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[HISTORY: Adopted by the Planning Board of the City of Beverly as amended effective 1-23-2003. Subsequent amendments noted where applicable.]

- Attachment 1 - Form A, Application for ANR Plan Approval** 
- Attachment 1.1 - Form A-1, Application for Frontage Waiver** 
- Attachment 2 - Form B, Application for Preliminary Plan Approval** 
- Attachment 3 - Form C, Application for Definitive Plan Approval** 
- Attachment 4 - Form D, Designers Certificate** 
- Attachment 5 - Form E, Certified List of Abutters** 
- Attachment 6 - Form F, Performance Bond** 
- Attachment 7 - Form G, Covenant** 
- Attachment 8 - Form H, Release Form** 
- Attachment 9 - Form I, Conveyance of Easements and Utilities** 
- Attachment 10 - Form J, Referral Form** 
- Attachment 11 - Form K, Control Form** 
- Attachment 12 - Form L, Public Hearing Notice** 
- Attachment 13 - Form M, Receipt of Subdivision Plan** 
- Attachment 14 - Form N, Inspection Form** 
- Attachment 15 - Form O, Document Control Sheet** 
- Attachment 16 - Form P, Mortgages Acquired after Submission of Covenant** 
- Attachment 17 - Form Q, Extension of Time** 
- Attachment 18 - Form R, Applicant Signature Information** 
- Attachment 19 - Appendix S, Construction Cost Estimating Data** 
- Attachment 20 - Appendix T, Cost Estimating Data for Underground Electrical** 
- Attachment 21 - Appendix U, Subdivision Approval Process Flowchart** 
- Attachment 22 - Appendix V, Board of Health Soil/Solid Fill Regulations** 
- Attachment 23 - Appendix W, Sample Agreement and Acknowledgement Forms** 
- Attachment 24 - Typical Street Cross Section** 

Article I. Purpose and Authority

§ 375-1. Purpose; waiver.

These subdivision regulations are adopted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the City of Beverly by regulating the laying out and construction of ways in subdivisions providing access to the lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of the Beverly Planning Board and the Board of Appeals, under the Subdivision Control Law, shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger of life and limb in the operation of motor vehicles; for securing safety in case of fire, flood, panic, and other emergencies; for ensuring compliance with the applicable zoning

ordinances; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and streetlighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the City and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law (under which these regulations are adopted) that any subdivision plan filed with the Beverly Planning Board shall receive the approval of such Board if said plan conforms to the recommendations of the Board of Health and to the reasonable rules and regulations of the Beverly Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in MGL c. 41, § 81R, such portions of the rules and regulations as is deemed advisable.

§ 375-2. Authority; effective date.

Under the authority vested in the Beverly Planning Board of the City of Beverly by MGL c. 41, § 81Q, said Board hereby adopts these amended Rules and Regulations Governing the Subdivision of Land in the City of Beverly. These regulations shall be effective on and after January 23, 2003.

Article II. General Provisions

§ 375-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADEQUATE ACCESS

Satisfactory means of actual physical ingress and egress within and without the development to any lot or development by vehicular traffic and by pedestrian traffic. Adequacy of access will be determined by the Planning Board after review of such factors as topography, soil conditions, presence of wetlands, existence of easements, construction methods and legal status of way providing access.

APPLICANT

A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applies under § 375-4. "Applicant" shall include an owner or his agent or representative or his assigns.

APPROVAL NOT REQUIRED PLANS (ANRs)

The division of a tract of land into two or more lots in which, at the time when it is made, every lot within the tract so divided has sufficient frontage on (a) a public way, or a way which the City Clerk of the City of Beverly certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the City, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by Chapter 300, Zoning, or other ordinances.

BEVERLY PLANNING BOARD

A Planning Board established under MGL c. 41, § 81A.

BEVERLY PLANNING BOARD AGENT

The City Engineer or consultant authorized by the Beverly Planning Board to review subdivisions and administer regulations.

BOARD or PLANNING BOARD

The Beverly Planning Board.

BUILDER

A person who constructs a building on a lot.

CERTIFIED BY

With respect to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, certified, or endorsed by the Planning Board, shall mean that the plan or instrument bears the certification of a majority of Planning Board members, or of its Chairman, or any other person authorized by it to certify or endorse its approval or other action; a majority of Planning Board members shall sign a written statement naming those persons authorized to certify or endorse the Board's action, and shall record that statement at the Registry of Deeds and the Land Court.

CITY

The City of Beverly, unless otherwise specified.

DEVELOPER

A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved under Article III of these rules and regulations.

FRONTAGE

The distance between either the points of intersection of the side lot lines and the street right-of-way or the points of intersection of the side lot lines and the rear line of the required front yard extended to the street right-of-way, whichever is smaller (see diagram of frontage in the Appendix). When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that that street provides sufficient frontage as required by Chapter 300, Zoning, of the City Code; however, in the case of a lot bounded by two streets forming an interior angle of more than 135°, their combined frontage between lot lines may be used to satisfy the lot frontage requirement.

GENERAL LAWS (abbreviated MGL)

The General Laws of the Commonwealth of Massachusetts, as amended. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

MUNICIPAL SERVICES

Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, communication lines, and their respective appurtenances.

OWNER or OWNER OF RECORD

As applied to real estate, the person holding the fee-simple title to a parcel, tract, or lot of land.

PERSON

An individual, or two or more individuals, or a group or association of individuals, a trust, a partnership or corporation having common or undivided interests in a tract of land.

PLAN or DEFINITIVE PLAN

The plan of a subdivision as submitted (with appropriate application) to the Board for approval to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board and such plan when approved and recorded; all as distinguished from a preliminary plan.

PRELIMINARY PLAN

A plan of a proposed subdivision or resubdivision of land prepared in accord with Article III to facilitate proper preparation of a definitive plan.

RECORDED

Recorded in the Registry of Deeds of Essex South District in which the land in question is situated, except that, as affecting unregistered land, it shall mean filed with the recorder of the Land Court (MGL c. 41, § 81L).

REGISTRY OF DEEDS

The Registry of Deeds of Essex South District in which the land in question is situated and, when appropriate, shall include the Land Court (MGL c. 41, § 81-L).

ROADWAY

That portion of a way which is designed and constructed for vehicular travel.

STREET, MINOR

A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots and may be built to less exacting standards as described in § 375-15.

STREET, PRINCIPAL

A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the City of Beverly, which will connect communities or which will otherwise carry a heavy volume of traffic.

STREET, SECONDARY

A street which may intersect one or more minor streets and which, in the opinion of the Board, is used or will be used to carry substantial traffic from such minor street(s) or abutting lots to a principal street or community facility, and normally including streets within a shopping center, industrial park, a large subdivision, a group of subdivisions, and any primary circulation route within such developments, or a street which will connect subdivisions.

SUBDIVISION

The division of a tract of land into two or more lots and shall include a resubdivision and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided. (See definition of "approval not required plans" for definition of what does not constitute a subdivision.) Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without sufficient frontage or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the City in which the land lies, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision (MGL c. 41, § 81-L).

SUBDIVISION CONTROL

The power of regulating the subdivision of land granted by the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG, inclusive, as hereinafter amended.

SUBMITTED PLAN

A plan shall be considered officially submitted to the Beverly Planning Board as of the date said plan and forms necessary under these rules and regulations are duly filed with the Clerk or Secretary of the Board at a regularly scheduled business meeting of the Board and the fact of such submission is entered in the minutes of the meeting. Such plan shall nevertheless be considered duly submitted even though not entered in the minutes of the meeting if otherwise properly submitted and such failure of entry into the minutes is due to the inadvertance or unwarranted refusal of the Clerk or Secretary to make such entry. Such plans and forms may also be submitted by registered mail to the Beverly Planning Board, care of the City Clerk. If so mailed, the postmarked date shall be the date of submission of the plan.

§ 375-4. Approved plan required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefor or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Beverly Planning Board as hereinafter provided.

§ 375-5. Source of information required.

In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board. (See Form D, Designer's Certificate, Appendix D.^[1])

[1] Editor's Note: Form D is included as an attachment to this chapter.

§ 375-6. More than one building for dwelling purposes on lot.

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the City, without the consent of the Beverly Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

§ 375-7. Fees.

[Amended 12-16-2003; 12-20-2005]

- A. Fees for approval not required plans, preliminary subdivision plans, and definitive subdivision plans are contained in the Planning Board regulations governing fees and fee schedules, as may be amended from time to time, which are incorporated herein by reference.
- B. All expenses for advertising, recording, and filing of documents shall be borne by the applicant.

§ 375-8. Application by corporation.

In the case of applications by corporations, a vote from the clerk of the corporation shall accompany submission of definitive subdivision plans certifying authorization of an individual(s) to act for the corporation, along with a copy of a recent title search supplied by the owner.

§ 375-9. Ownership of property.

A copy of the deed(s) of property shall accompany submission of definitive subdivision plans.

§ 375-10. Disapproval of premature subdivision of land.

The Planning Board shall not approve scattered or premature subdivision of land which would involve danger or injury to health, safety, or property by reason of lack of fire protection, water supply, sewage disposal facilities, drainage, transportation or other public services or which would necessitate an excessive expenditure of public funds for the supply or maintenance of such services. It shall attempt to provide for the harmonious development of the community, allowing open spaces of adequate proportion for the accommodation of existing and prospective traffic, playgrounds, or other recreational purposes.

Article III. Procedures for Submission and Approval of Plans

§ 375-11. Plan believed not to require approval.

- A. Submission of plan. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and three contact prints, one reproducible Mylar copy, the original, and a properly executed Form A (See Appendix A)^[1] to the Beverly Planning Board, accompanied by the necessary evidence to show that the plan does not require subdivision approval. Filing fees for a Form A, Subdivision Approval Not Required Plan, are found in the Planning Board regulations governing fees and fee schedules, as may be amended from time to time, which are incorporated herein by reference. Said plan shall contain the following information:

[Amended 12-20-2005]

- (1) Identification of the plan by name of owner of record and location of the land in question, cross-referenced to page and parcel number of the Assessor's Maps.

- (2) The statement "Approval Under the Subdivision Control Law Not Required," and sufficient space for the date and the signatures of the majority of the Board.
 - (3) A locus plan at 800 feet to the inch shall be included on the plan.
 - (4) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
 - (5) In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
 - (6) Notice of any decision of the Zoning Board of Appeals, including, but not limited to, variances and exceptions regarding the land or any buildings thereon.
 - (7) Abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records. (See Form E, Certified List of Abutters, Appendix E. [2])
- [2] *Editor's Note: Form E is included as an attachment to this chapter.*
- (8) Distance to the nearest road or other permanent monument(s).
 - (9) Location of all existing buildings, including setback and side yard and rear yard designations.
 - (10) The scale, date, and name of the engineer or surveyor who prepared the plan.
 - (11) Location of nearest fire hydrant(s).
 - (12) Metes and bounds of all existing and proposed boundary lines.
 - (13) Notation explaining purpose of ANR (details of transactions, making an existing nonconforming lot conforming, etc.).
 - (14) Notation stating that: "Endorsement of this plan as one not requiring approval under the Subdivision Control Law is not a determination as to conformance with zoning"

[1] *Editor's Note: Form A is included as an attachment to this chapter.*

B. Endorsement of plan not requiring approval.

- (1) If the Beverly Planning Board determines that the plan does not require approval, it shall, without a public hearing, endorse the plan.
- (2) The Beverly Planning Board may add to such endorsement a statement of the reason approval is not required. The plan shall be returned to the applicant.

C. Submission of recorded or registered plans. Upon recording or registering the final endorsed plan with the Registry of Deeds or Land Court, two copies of the registered or recorded plan shall be submitted to the Planning Department.

[Amended 12-20-2005]

D. Electronic data submittal. Upon endorsement by the Beverly Planning Board that the plan does not require approval under the Subdivision Control Law and recording or registering the plan with the Registry of Deeds or Land Court, the applicant or owner of record shall forthwith file with the Beverly Engineering Department GIS Coordinator, at no charge or cost to the City of Beverly, an electronic file of the final endorsed plan. The files shall be in CAD or GIS format and may be submitted on CD, DVD or by electronic mail. All files shall be submitted to the City of Beverly Engineering Department in accordance with its "Digital Data Submission Requirements" as may be amended from time to time, which are incorporated herein by reference, for purposes of incorporating the data into the City's Geographic Information System.

[Amended 12-20-2005]

E. Determination that plan requires approval. If the Beverly Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall so inform the applicant in writing and return the plan. The Beverly Planning Board shall also notify the City Clerk in writing of its action.

[Amended 12-20-2005]

§ 375-12. Preliminary plans.

A. General.

[Amended 12-20-2005]

- (1) A preliminary plan of a subdivision must be submitted for nonresidential subdivisions, and may be submitted for residential subdivisions by the applicant; 12 prints size 24 inches by 36 inches and 10 prints size 11 inches by 17 inches, which shall be filed with the Beverly Planning Board, along with an original and a properly executed Form B, Preliminary Plan (see Appendix B).^[1] Filing fees for a Form B, Preliminary Plan, are found in the Planning Board regulations governing fees and fee schedules, as may be amended from time to time, which are incorporated herein by reference.

[1] *Editor's Note: Form B is included as an attachment to this chapter.*

- (2) The applicant shall file, by delivery or registered or certified mail, a notice with the City Clerk stating the date of formal submission (submitted plan) for such approval of a preliminary plan, accompanied by a copy of a properly executed application Form B. The submission of such a preliminary plan will enable the applicant, the Beverly Planning Board, the Board of Health, the Public Works Department, the Police Department, the Fire Department, the agent to the Beverly Planning Board, and other City agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. A properly executed application Form B (See Appendix B) shall be filed with the preliminary plans submitted to the Beverly Planning Board. (See Form O, Document Control Sheet, for the distribution of plans, Appendix O.^[2])

[2] *Editor's Note: Form O is included as an attachment to this chapter.*

- (3) The Beverly Planning Board may extend the forty-five-day period permitted by statute between submission of a preliminary plan and action thereon upon written request of the applicant. (See Form Q, Extension of Time, Appendix Q.^[3])

[3] *Editor's Note: Form Q is included as an attachment to this chapter.*

B. Contents. The preliminary plan may be drawn on Mylar at a suitable scale, preferably 40 feet to the inch. The plan shall be designated as a "Preliminary Plan" and shall provide sufficient information to form a clear basis for discussion of the details of the subdivision and for preparation of the definitive plan. The plan shall contain the following:

- (1) The subdivision name, if any, boundaries, locus plan, North point, date, scale, legend and title "Preliminary Plan."
 - (2) The names and addresses of the record owner of the land and the subdivider and the name and address and seal of the registered architect, engineer and land surveyor who made the plan, which shall appear in the lower right-hand corner.
 - (3) The names of all abutters, as determined from the last assessment, unless the applicant shall have more recent knowledge of such abutters. (See Form E, Certified List of Abutters, Appendix E.^[4])
- [4] *Editor's Note: Form E is included as an attachment to this chapter.*
- (4) The existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision, in a general manner.
 - (5) Major features of the land such as existing walls, fences, monuments, buildings, trees six inches in caliper measured four feet above the ground, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways.
 - (6) The proposed system of sewage disposal, water installation hydrants, and drainage, including adjacent existing natural waterways.

- (7) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
 - (8) The names and the approximate location and widths of adjacent streets approaching or within reasonable proximity of the subdivision.
 - (9) The topography of the land with a five-foot contour interval; or, in flat areas, of a two-foot contour interval. Water bodies and their elevations shall be shown with the date of measurement.
 - (10) The proposed names of the proposed streets and a number on each lot on each proposed street.
 - (11) The profiles of existing grades and approximate proposed finished grades of the roadway and drain and other utilities and showing soil conditions and approximate high groundwater levels.
 - (12) Area of adjoining land and water of the applicant not presently being subdivided.
 - (13) The zoning classification of land shown on the plan.
 - (14) Necessary engineering calculations to provide information to the Beverly Planning Board that fire protection, vehicular traffic flow, turning radii, and all other safety precautions are being provided.
 - (15) Shading or other methods to show the areas on all lots that are to be excavated or filled, and wetlands.
- C. Approval. During the discussion of the preliminary plan, the complete information required for the definitive plan, and the financial arrangements, will be developed. The Beverly Planning Board may give such preliminary plan approval, with or without modifications or suggestions, after the Board's review of data and comments from the Board of Health, Public Works Department, Police Department, Fire Department, and the City Engineer. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the definitive plan and securing final approval thereof. One copy of the preliminary plan will be returned to the applicant. In the event of disapproval, the Beverly Planning Board shall state the reasons for its disapproval in accordance with MGL c. 41, § 81U. It shall be the applicant's responsibility to submit or obtain enough data or material to obtain meaningful comments from all parties reviewing said plan.

§ 375-13. Definitive plans.

- A. General. Any person who submits a definitive plan of a subdivision (submitted plan) to the Beverly Planning Board for approval shall file with the Board the following:
- (1) All items required in Subsections **A(1)(a)**, **(1)(b)**, **B** and **C** of this section and the minimum filing fee (See § 375-7.) shall be submitted for a definitive plan to be "duly submitted" in accord with the General Laws of Massachusetts (See Form O, Document Control Sheet, for the distribution of plan, Appendix O.^[1]) by the Board and the subdivider.
 - (a) Twelve prints size 24 inches by 36 inches and 10 prints size 11 inches by 17 inches upon application; one original Mylar and one reproducible Mylar copy of the final plans for signature following final approval; and one print, size 24 inches by 36 inches, of the final approved signed plans.
[Amended 12-20-2005]
 - (b) A properly executed application Form C, Application for Approval of a Definitive Plan (Appendix C); Form D, Designer's Certificate (Appendix D); Form E, Certified List of Abutters (Appendix E); and proof of submission of plan to the Board of Health (see Subsection **D** of this section).^[2]
 - [2] *Editor's Note: The forms are included as attachments to this chapter.*
 - [1] *Editor's Note: Form O is included as an attachment to this chapter.*
 - (2) Approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for

public use unless and until a new application is filed with and approved by the Board. Ways or portions thereof not completed within two years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Beverly Planning Board.

- (3) The applicant shall file, by delivery or registered or certified mail, a notice with the City Clerk stating the date of submission for such approval and accompanied by a copy of completed Form C, Application for Approval of Definitive Plan (Appendix C).^[3]

[3] *Editor's Note: Form C is included as an attachment to this chapter.*

- B. Contents. The definitive plan shall be prepared by a registered, professional engineer and land surveyor and shall be clearly and legibly drawn in black India ink upon Mylar or tracing cloth. There shall be a locus plan at a scale of one inch equals 800 feet. The plan shall be at a scale of one inch equals 40 feet or such other scale as the Beverly Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. All elevations shall be the National Geodetic Vertical Datum of 1988 (NAVD88). Sheet sizes shall be 24 inches by 36 inches, including a one-inch border. All plans shall be accompanied by an index sheet at a scale of one inch equals 100 feet showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers. This plan shall indicate the Assessor's Map and Parcel number of the land in question. All engineers and surveyors shall certify that they either personally performed or supervised the work shown on the drawings. The definitive plan shall contain the following information:

[Amended 12-20-2005]

- (1) A title block, appearing in the lower right-hand corner of the plan, showing the name of the subdivision, if any, the date, scale, the names and addresses of the applicant, and the names of the designer, registered architect, engineer and surveyor who made the plan, their seals and signatures.
- (2) North arrow, benchmark, and boundaries of the subdivision.
- (3) Location and ownership of abutting property as it appears on Form E, Certified List of Abutters (Appendix E),^[4] unless the applicant shall have more recent knowledge of such abutters, including all abutting land owned by the applicant not presently being subdivided. A copy of the deed of the land in question shall also be submitted.

[4] *Editor's Note: Form E is included as an attachment to this chapter.*

- (4) Major features of the land, such as existing waterways, swamps, and water bodies, natural drainage courses, walls, fences, buildings, trees six inches in caliper measured four feet above the ground, wooded areas, outcroppings and ditches which exist on or near the site at the time of the survey.
- (5) Lines of existing and proposed streets, ways, lots, lot numbers or other designation of each lot, easements, and public or common areas within the subdivision. If the subdivision consists of more than one section, all lot numbers shall be consecutive.
- (6) Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines, of all subdivision lot lines, including lot frontage on the streets, of the boundary lines of all streets and easements, and the length, radii, tangents, and central angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Adjoining lands of the applicant not included in the subdivision will be shown.
- (7) Location of all permanent monuments properly identified as whether existing or proposed.
- (8) Location, names, and present widths of streets or private ways bounding, approaching, or within reasonable proximity of the subdivision, showing both roadway widths and right-of-way widths.
- (9) When existing roadways are improved upon or regraded in areas which abut existing homeowners, topographical details at sufficient distances from the roadway layout must be supplied to ensure proper drainage of abutting properties. Proof of slope easements shall be provided prior to plan approval.
- (10) Indication of all easements, covenants, or restrictions applying to the land and their purposes, whether or not within the subdivision, including any decision on an appeal or variance or exception made by the

Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.

- (11) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
- (12) Suitable space to record the action of the Beverly Planning Board and the signatures of the majority of the Board.
- (13) Street address numbers for each lot on a definitive subdivision plan.
[Items (14) through (21) may be submitted on the same sheet as the definitive plan, or on separate sheets.]
- (14) A notation that: "Should the rodent population be displaced (leave its natural habitat) because of land development, then the developer must bear the responsibility of retaining the services of a professional exterminating company to abate the rodent migration problem. This service must adequately solve the problem and must be completed at the expense of the developer."
- (15) Existing profiles of the exterior lines drawn in fine black line, dotted for left side and dashed for right side, and proposed profile on the finished center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals 40 feet and vertical scale of one inch equals four feet, or other such scale acceptable to the Beverly Planning Board. At least two benchmarks are to be shown on plans and profiles, and grade elevations at every fifty-foot station except in vertical curves, which shall be at every twenty-five-foot station. All existing and proposed intersections and sidewalks shall be shown, with all proposed grade elevations calculated. Sufficient subsoil information shall be indicated so as to ascertain soil conditions at proposed subbase and highest known high water table. Elevations shall be to the National Geodetic Vertical Datum of 1988 (NAVD88). Gradients shall be shown by figures expressed in percent. Water bodies and their elevations shall be shown with the date of measurement.
- (16) Existing and proposed topography at two-foot contour intervals and, by symbols, the highest known high water mark. There shall also be indicated, by differentiating symbols, the contour line four feet above said high water mark.
- (17) Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, and dimensions of gutters, including data on borings and percolation tests made, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge will take, and shall present evidence to the Board that the discharge is satisfactory and permitted by public or private ownership of adjacent street(s) or property and does not cause any detrimental effects to public or private property.
- (18) Calculations prepared by a registered engineer to substantiate proposed drain pipe sizes. The computations shall be based on the current standard of design used by the City Engineer.
- (19) Location and species of proposed street trees and location of trees to be retained with trunks over six inches in diameter, measured four feet above the finished ground level, located outside of the street right-of-way line of existing or proposed streets not closer than five feet to or more than 10 feet from said right-of-way line.
- (20) Cross sections typical of each street, roadway and sidewalk to be constructed, including existing soil conditions and high groundwater level.
- (21) Location of proposed streetlights and sidewalks, underground electric lines, and fire alarm systems.
- (22) Conceptual design of each utility pump station, and a site plan at the scale of one inch equals 20 feet which shows the layout of the proposed station.

- (23) Necessary engineering calculations to provide information to the Beverly Planning Board that fire protection, vehicular traffic flow, utilities and all other safety precautions are being provided. When deemed necessary, the Planning Board will require that the applicant commission a traffic study to assess the project's impact on the roads and traffic both within and surrounding the development. The City will approve the consulting firm selected by the developer, and the cost of the traffic study will be borne solely by the applicant. The Planning Board will also require, when deemed necessary, the submission of fire flow tests to ensure adequate protection from fire.
- (24) As a part of the definitive plans, there will be submitted an overall drainage plan with topographic details for the subdivision and all areas within the total drainage area plus the area of ultimate disposal drawn with India ink on tracing cloth (or other method suitable for reproduction). A separate plan, or a part of the above plan, shall be included for the water system. The above requirements may be on one plan or on two separate plans, with complete details of the drainage and the water system.
- (25) Each sheet shall be consecutively numbered as Sheet 1, 2, etc. of the total number of sheets.

C. Adequacy of ways providing access to subdivisions.

- (1) An analysis of ways providing access to subdivisions, hereinafter referred to as the "street system," shall be prepared for subdivision plans by an engineer or engineers registered in the Commonwealth of Massachusetts having expertise in civil engineering and traffic and transportation engineering.
- (2) The report(s) shall contain the following information: a narrative including data to show characteristics of the street(s) providing access to the development measured from the entrance of the development to the nearest cross street. If the distance from the entrance of the development to the nearest cross street is more than 1,000 feet, then the required data shall include the first 1,000 feet.
 - (a) Applying the guidelines set forth in Article **IV**, Design Standards, of these rules and regulations, the Planning Board shall determine the adequacy of the street system.
 - (b) If the Planning Board determines, based on the data submitted, that the street does not meet these guidelines, the Planning Board, in the interest of the public safety, shall identify those improvements which must be made and shall give written notice to the applicant. The applicant shall propose and describe not less than two alternative designs for improvements to the street system intended to address the inadequacies identified by the Planning Board.
 - (c) The engineering and cost of construction and implementation of required improvements shall be the full responsibility of the applicant.
 - (d) The Planning Board may condition a subdivision approval on these improvements being made or legally secured or guaranteed in accordance with the following:
 - [1] Prior to improvement of a street system involving a private way(s), the applicant shall show evidence, satisfactory to the Planning Board, of the applicant's right to perform such work. In the event that the applicant does not have the right and cannot obtain the right to make all required improvements, then the applicant shall report these facts to the Planning Board for a determination by the Planning Board of what further action is to be taken. The Planning Board may propose to the City Council that the street(s) be accepted by the City with the undone improvements to be completed by or paid for by the applicant.
 - [2] Prior to any improvement of a street system involving a public way(s), the applicant shall receive approval from the City Engineer and other City boards and other government agencies or commissions having jurisdiction over the roadways as applicable. If the applicant does not receive approval to undertake certain improvements, then improvements shall be made to the extent of the approvals obtained.
 - (e) With respect to improvements which cannot be made by the applicant due to inability to obtain the necessary approvals, the Planning Board shall be the final arbiter in determining those improvements which are conditions of the subdivision approval.

- D. Review by Board of Health as to suitability of the land. At the time of the filing of the definitive plan with the Beverly Planning Board, the applicant shall also file with the Board of Health one print of the definitive plan, together with such information in the nature of percolation tests and deep test holes as the Board of Health may require. Proof of submittal of definitive plan to the Board of Health shall accompany the definitive plan filing with the Beverly Planning Board. The Board of Health shall, within 45 days after the filing of the plan, report to the Beverly Planning Board, in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without detriment to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health.
- E. Review by other City officials.
- (1) The Clerk of the Beverly Planning Board may transmit copies of the definitive plan to City officials other than the Board of Health as follows: one copy each to the City Solicitor for review of easements and agreements; the Department of Public Services; the Building Inspector; the Conservation Commission; the Fire Department; the Police Department; the Water Department; and the Salem/Beverly Water Supply Board.^[5]
^[5] *Editor's Note: Amended at time of adoption of Code.*
 - (2) Before the definitive plan is approved, the Beverly Planning Board may request written statements from the above officials with regard to the proposed improvements in the following respect:
 - (a) City Solicitor as to the form of easements, covenants, and performance guarantees.
 - (b) Department of Public Services and/or the Beverly Planning Board agent (City Engineer) as to the design of the street system, location of easements, monuments, drainage system, and, if applicable, the sewage system.^[6]
^[6] *Editor's Note: Amended at time of adoption of Code.*
 - (c) The Fire Department as to location of hydrants and with regard to safety requirements.
 - (d) The Police Department as to street safety.
 - (e) The Water Department and the Beverly/Salem Water Supply Board as to the water system.
 - (f) Conservation Commission.
- F. Soil survey and percolation tests. Where appropriate, the Beverly Planning Board may require, at the expense of the applicant, soil surveys and/or test borings performed under the supervision of a competent geotechnical engineer to establish the suitability of the land for the proposed sewerage disposal system, storm drainage system and proposed street construction. A report prepared by a competent geotechnical engineer and summarizing the results of such soil surveys and tests must be filed with all plans for nonresidential subdivisions or multifamily residences.
- G. Public hearing.
- (1) Before taking any action to approve, approve with modifications, or disapprove a definitive plan, the Beverly Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the date of the hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land shown on the plan and shown on the most recent tax list.
 - (2) The procedure that the Beverly Planning Board will follow with respect to approval, disapproval or modification of the final plan submitted by the applicant will be that as set forth in MGL c. 41, § 81-U, as amended. In summary, the Board, after receiving the final plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations and the Zoning Ordinance.^[7]

[7] *Editor's Note: See Ch. 300, Zoning.*

- (3) Before final approval of the plan, the applicant shall comply with all applicable regulations and rules of the Department of Public Services and the Board of Health not otherwise covered by these rules and regulations. Specific reference is made to the specifications for sewerage systems, which shall conform with the rules and regulations of the Board of Health.^[8]

[8] *Editor's Note: Amended at time of adoption of Code.*

- (4) Before final approval of the plan, the applicant shall establish that the lots in the definitive plan are in conformity with the City of Beverly Zoning Ordinance, and failure of the lots to comply will be adequate grounds for disapproval of the definitive plan (MGL c. 41, § 81Q, and amendments thereto). The Board may, as a condition of granting a permit under MGL c. 41, § 81Y, impose reasonable requirements designed to promote the health, convenience, safety, and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate; or set forth in a separate instrument, attached thereto, to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.
- (5) Notations shall be made on the plans of any revisions and the date revisions were made. A letter shall also accompany the plans, fully describing all revisions in detail.

H. Certificate of approval.

[Amended 12-20-2005]

- (1) The action of the Beverly Planning Board with respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by registered or certified mail, return receipt requested, to the applicant.
- (2) If the Beverly Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules and regulations and recommendations of the Beverly Planning Board.
- (3) Final approval, if granted, shall be subject to the design standards contained herein and shall be endorsed on the original drawings of the definitive plan by the signatures of a majority of the Beverly Planning Board after the City Clerk has notified the Beverly Planning Board that no notice of appeal has been filed with that office.
- (4) After the definitive plan has been approved and endorsed, the Board shall return the original Mylar to the applicant. The applicant in turn shall provide the Board with one full set of the final signed plans.
- (5) Refer to Appendix U for statutory review periods.^[9] The Beverly Planning Board may extend the ninety-day or one-hundred-thirty-five-day period permitted by statute between submission of a definitive plan and action thereon upon written request of the applicant. (See Form Q, Extension of Time, Appendix Q.^[10])

[9] *Editor's Note: Appendix U is included as an attachment to this chapter.*

[10] *Editor's Note: Appendix Q is included as an attachment to this chapter.*

- (6) Approval of the definitive plan does not constitute the laying out or acceptance by the City of streets within a subdivision and does not signify that the subdivision may be constructed before all safety and health standards have been met.
- (7) The original copy of the recorded covenant shall be returned, following recording by the Registry of Deeds, to the Beverly Planning Board. Upon receipt thereof, the Board will mail a copy of said covenant to the applicant.

I. Performance guarantee. Before endorsement of its approval of a definitive plan or subdivision, the Board shall require that the construction of ways and the installation of municipal services be secured by one, or in part by one and in part by the other, of the methods described in Subsection I(1) or (2) below, which method may be selected and from time to time varied by the applicant.

- (1) Approval with a certified check.

- (a) The applicant shall file a certified check or a three-way agreement in an amount determined by the Beverly Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article **V** not covered by a covenant under Subsection **I(2)** hereof. Estimated amounts are noted in Appendices S and T and are revised each year.^[11] Such certified check, if filed or deposited, shall be accompanied by an appropriate and properly executed agreement prepared in the manner of Form F, G, or such other form as the Board may require,^[12] and approved as to form and manner of execution by the City Solicitor and shall be contingent on the completion of such improvements within two years of the date of the approval of the definitive plan, or within a reasonable period of time beyond two years as may be approved by the Planning Board. (See Appendices F and G.)

[11] *Editor's Note: Appendixes S and T are included as attachments to this chapter.*

[12] *Editor's Note: Forms F and G are included as attachments to this chapter in Appendixes F and G.*

- (b) The money may be forfeited or the term may be extended at the discretion of the Beverly Planning Board. If extended, the Beverly Planning Board may, at its discretion, request an increase or decrease in the amount deposited to insure sufficient bonding to cover the costs to complete the improvements.
- (2) Approval with covenant. The applicant shall file a Form G, Approval with Covenant Contract (Appendix G), or such other form of covenant as the Beverly Planning Board requires, approved as to form and manner of execution by the City Solicitor, properly executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article **V**, not covered by bond or deposit under Subsection **I(1)** hereof, shall be provided to any lot before such lot may be built upon or conveyed, other than by mortgage deed.
- (3) Developer's disclosure agreement. Prior to final approval of a Definitive subdivision plan, the applicant shall prepare and submit a "developer's disclosure agreement" to be referenced on the plan and recorded at the Registry of Deeds for all lots in the subdivision prohibiting conveyance of said subdivision lots. The disclosure agreement may be released only when all individual lot purchasers, with valid purchase and sales agreements, sign and have notarized an "agreement and acknowledgement" form available at the Planning Board's office. (See Appendix W for sample copies of the developer's disclosure agreement and lot purchasers' agreement and acknowledgement forms.^[13]) The staff of the Planning Board shall be responsible for administering the release of lots. The "agreement and acknowledgement" form shall be prepared by the applicant and approved by the Planning Board and shall, at a minimum, stipulate the following:
- (a) That the City of Beverly and the Planning Board of the City bear no responsibility for the speedy completion of utilities and roadways necessary to obtain occupancy permits and that this responsibility lies solely with the applicant (or his successor).
- (b) That the applicant has submitted and has received approval of a performance guarantee according to Subsection **I** of this section. Said guarantee insures the completion of construction of ways and the installation of utilities for the subdivision within two years after submittal of the performance guarantee or within a reasonable period of time beyond two years as may be approved by the Planning Board.
- (c) The buyer of a lot acknowledges that he understands that he will not be able to obtain an occupancy permit for the house to be constructed on his lot until the base course of the roadway is constructed and the utilities are installed and are in working order.
- (d) The buyer releases, indemnifies, and holds harmless the City of Beverly from any loss, cost, claim, or damage resulting from the buyer's inability to occupy the house to be constructed or the failure of the applicant to complete the subdivision roadways, utilities, and amenities.

[13] *Editor's Note: Appendix W is included as an attachment to this chapter.*

- J. Reduction of bond surety. The amount of any deposit held under Subsection **I(1)** above may, from time to time, be reduced by the Beverly Planning Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

K. Release of performance guarantee.

(1) General requirements.

- (a) When all subdivision improvements are complete (and approved drawings are submitted as mandated under Article **V**), or when a covenant has been met with respect to any or all lots, the applicant may send (by certified or registered mail) a written statement detailing the completed improvements (according to Article **V**) to the City Clerk and the Planning Board. If the Planning Board, after consultation with the Public Works Department, determines that all improvements are complete, any certified check on deposit which has been posted by the applicant as a performance guarantee (according to the provisions of these Subdivision Rules and Regulations) shall be returned to the applicant; in the case of a covenant, the Planning Board will issue a written release of said covenant on a release form. (See Form H, Release Form, Appendix H.^[14])

[14] *Editor's Note: Appendix H is included as an attachment to this chapter.*

- (b) However, 20% of the value of the check shall be held by the City to insure maintenance of streets, improvements, and municipal services for 18 months after completion of construction and installation (completed utility trenches must go through at least one winter season in a condition satisfactory to the Director of Engineering, Commissioner of Public Services, Public Works) or until the streets are accepted by the City, whichever comes first; after which date the City shall return the remainder of the bond, if any, to the applicant.
- (c) Approximately 60 days before the expiration of the 18 months, the Beverly Planning Board shall inspect said street or way or portion thereof to determine whether or not defects have developed therein, and determine whether or not it should recommend the release of the final 20%.
- (d) Upon expiration of the period for which the applicant is responsible for maintenance of said way, and if said developer has complied with all the requirements of the Subdivision Control Law and the Beverly Planning Board rules and regulations as set forth in an inspection report of said way, any monies held by said Board for the maintenance of said way shall be returned forthwith to the applicant.
- (e) The owner of record of a subdivision shall be held responsible for all omissions, infractions, and deviations from the approved plans.
- (f) Prior to releasing the City's interest in a performance bond or deposit or releasing the covenant, the Beverly Planning Board shall receive from the applicant an as-built plan and an acceptance plan. [See Subsections **K(3)** and **M** of this section.]
- (g) If the Beverly Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant, in writing, by registered or certified mail, return receipt requested, the details wherein said construction and installation shall have failed to comply with requirements contained under Article **V**. Upon failure of the Beverly Planning Board to act on such application within 45 days after the receipt of the application by the City Clerk and the Beverly Planning Board, all obligations under the bond shall cease and terminate by operation of law; and the deposit shall be returned, and any such covenant shall become void.
- (h) In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
- (2) Inspection for release of performance guarantee. Prior to inspection for release of security for performance which was given by bond, tripartite agreement, deposit or covenant, the applicant shall submit, at the following construction stages, a statement stamped and certified by either a registered professional engineer or a registered land surveyor that the required improvements are built in conformity with these rules and regulations, the approved subdivision plan, the standards of the DPW, and the order of conditions of the Conservation Commission. If the as-built certification of Subsection J(2)(a) or (b) below is performed by a registered land surveyor (RLS), and if any of the required improvements are not in conformity with the approved subdivision plan or the rules and regulations, then said RLS certification and other appurtenant information shall be accompanied by a statement stamped and

certified by a registered professional engineer describing the nonconforming construction and a statement, if appropriate or applicable, that in his opinion the described nonconforming construction and/or installation is equal to or better than what is required by the rules and regulations, the approved subdivision plan, the standards of the DPW, and the order of conditions of the Conservation Commission.

- (a) Underground utilities and drainage. Prior to any backfilling, the applicant's registered professional engineer or registered land surveyor shall observe and certify that the as-built location and elevation of all underground utilities, including, but not limited to, drainage, water and sewer, conform to the rules and regulations and the approved subdivision plan. In addition, the registered professional engineer or registered land surveyor shall observe and certify that the location, elevation and grading of the entire drainage system, including drainage easements, swales, retention/detention areas and all visual drainage appurtenances are in conformity with the rules and regulations, the approved subdivision plan and order of conditions. In any instance where the as-built construction is not in conformity, the registered professional engineer or registered land surveyor shall list the exceptions and attach a "red-lined, marked-up print" which shall consist of a print of the approved subdivision plan identifying those areas marked in red pencil, wherein the construction and/or installation is inconsistent with either the rules and regulations or the approved plan.
 - (b) Binder application. Following the binder application and prior to any further roadway construction, the applicant shall submit an as-built certification signed and stamped by either a registered land surveyor or a registered professional engineer. Said certification shall certify the roadway location, width, and elevation and that the center line of all roadways coincide with the center line of the street right-of-way, and that the preceding items conform to the rules and regulations and the approved subdivision plan.
 - (c) Upon completion of required improvements, the applicant shall submit as-built plans.
- (3) As-built plan. The applicant shall submit as-built plans drawn with india ink on linen or Mylar material certified by his registered professional engineer to show actual locations and grades of all utilities and improvements, and the roadway profile. As-built "on-the-ground" conditions at time of inspection shall include, at a minimum, the following items to be shown on the as-built plan:
- (a) Rims and inverts of all drainage structures as they would appear on the profile section of the plan.
 - (b) Location, size, and type of material for the water main; indicate spot elevations every 200 feet on the water main to verify vertical installation.
 - (c) Location of gas mains (and house services if installed).
 - (d) All underground electrical installations.
 - (e) Underground cable installation.
 - (f) Fire alarm wiring, if applicable.
 - (g) Underground telephone wiring.
 - (h) Water and sewer services to each individual lot with linear ties to a permanent structure or monument.
 - (i) Line water gates and ties.
 - (j) Telephone services to lots.
 - (k) Cable services to lots.
 - (l) Curbing - berms and indicate type.
 - (m) Granite curbs.
 - (n) Sidewalks and their width.
 - (o) Granite headers.

- (p) Grass plots and their width.
 - (q) Any encroachments on private property.
 - (r) Driveway curb cuts.
 - (s) Hydrants and water gates.
 - (t) Utility (telephone/electric) poles and any guys.
 - (u) Streetlights.
 - (v) Electric transformers.
 - (w) All drainage, drainage structures, drainage easements; off-site drainage, appurtenances, pipe sizes and materials. All of this information shall be shown both within the right-of-way and any easement(s). If a drainage channel, swale or brook is part of the drainage, then top and bottom of bank elevations shall be given every 50 feet. If a retention basin is constructed, then enough elevations shall be given to indicate that the retention basin will have the proper staging called for in the approved plan.
 - (x) Rims and inverts of all sewer structures.
 - (y) Any and all other utility appurtenances.
 - (z) Location of survey monuments.
 - (aa) Trees which, as specified on the approved plan, were to be retained or planted.
 - (bb) Landscaping and planting if required by approved plan.
 - (cc) Center-line profile (fifty-foot stations with high and low points).
 - (dd) Side slopes and lot grading certification.
 - (ee) Center-line stationing; indicate on plan portion of the as-built plan.
 - (ff) Benchmark.
 - (gg) Width of roadway layout.
 - (hh) Width of roadway pavement.
 - (ii) Location of street signs.
 - (jj) Typical title block.
 - (kk) Footprint of all houses constructed on all lots in the subdivision.
- L. Electronic data submittal.
[Added 12-20-2005]
- (1) Upon recording or registering of the plan with the Registry of Deeds or Land Court and acceptance of the final as-built and acceptance plans by the Beverly Planning Board, the applicant or owner of record shall forthwith file with the Beverly Engineering Department GIS Coordinator at no charge or cost to the City of Beverly:
 - (a) An electronic file of the final approved subdivision plan; and
 - (b) An electronic file of the final as-built and acceptance plans.
 - (2) The files shall be in CAD or GIS format and may be submitted on CD, DVD, or by electronic mail. All files shall be submitted to the City of Beverly Engineering Department in accordance with its "Digital Data Requirements" as may be amended from time to time, which are incorporated herein by reference, for purposes of incorporating the data into the City's Geographic Information System.

- M. Acceptance by the City. The applicant or future owner of record shall file with the Beverly Planning Board a final plan (acceptance plan) drawn with India ink on tracing cloth (or another method suitable for reproduction) of completed street or streets and any easements together with proper legal descriptions for initiating the acceptance of the ways by the City Council (See § **375-24H**.) and upon acceptance by the City shall grant a deed or easement to the City of the streets as contained in the definitive plan; said deed or easement to be recorded by the City Clerk upon acceptance of the streets by the City of Beverly.

Article IV. Design Standards

§ 375-14. Streets.

A. Location.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Beverly Planning Board, they will provide safe vehicular travel; natural drainage with no drainage pockets; and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision; and they shall be in accord with the rules and regulations of the Beverly Planning Board.
- (2) The proposed streets shall conform in location, so far as practicable, to any existing plans of the Beverly Planning Board; to the Comprehensive Plan or parts thereof adopted by the Beverly Planning Board; and, where required by the Beverly Planning Board, to the existing street system.
- (3) Provision satisfactory to the Beverly Planning Board shall be made for the proper projection of streets or for access to adjoining property, whether or not subdivided. To accomplish this, the Board may require a roadway easement and the extension of utilities from the end of a turnaround to adjacent property. If the Board requires such an easement and/or utility extension, language conveying the easement and/or utilities to the City of Beverly in perpetuity shall be submitted to the Board prior to final action on the application.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Beverly Planning Board, such strips shall be in the public interest.

B. Alignment.

- (1) Street jogs with center-line offsets of less than 125 feet shall be avoided.
- (2) The minimum center-line radii of curved streets shall be 300 feet.
- (3) A tangent at least 150 feet in length shall separate all reverse curves on principal and secondary streets.
- (4) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (5) Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than 30 feet. However, when the intersection of two streets varies more than 10° from a right angle, the radius of the curve at the obtuse angle may be less than 30 feet and the acute angle may be greater than 30 feet to the extent approved or required by the Beverly Planning Board.

- C. Width. The minimum width of the right-of-way shall be 50 feet, and the minimum pavement width shall be 32 feet, except for minor streets (see § **375-15**).

D. Grade.

- (1) The center-line grade for any street shall not be less than 1%.
- (2) The maximum center-line grade for streets shall be as follows:
 - (a) Secondary streets: 6%.
 - (b) Principal streets: 3%.

- (3) Where changes in grade exceed 1%, vertical curves as required by the Board will be provided; and where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling area of at least 75 feet in length, with a maximum grade of 3%, and in all other subdivisions, a leveling area of at least 200 feet in length, with a maximum grade of 2%, and at all other intersections there shall be a leveling area of at least 50 feet in length.

E. Dead-end streets.

- (1) For the purpose of this section, any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street. Dead-end streets and their extensions, if any, shall not be longer than 500 feet (measured between the sideline of the intersecting street and the center of the turnaround) unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
- (2) Dead-end streets shall be provided with a turnaround at the closed end having an outside roadway diameter of at least 100 feet and a property line diameter of at least 120 feet unless otherwise specified by the Beverly Planning Board. The Beverly Planning Board may, when potential volume warrants, require a minimum outside roadway diameter of 140 feet, a property line diameter of 160 feet and the placement of a circular landscaped island with minimum radius of 20 feet at the center of the turnaround, if the dead-end street is not intended to connect with another street at some future point in time. The maximum grade within any cul-de-sac shall be 2%. The Board may require a roadway easement and the extension of utilities from the end of the turnaround to adjacent property. If the Board requires such an easement and/or utility extension, language conveying the easement and/or utilities to the City of Beverly in perpetuity shall be submitted to the Board prior to final action on the application.

§ 375-15. Minor subdivisions.

A minor subdivision is a private street which, in the opinion of the Beverly Planning Board, may be built to a less exacting standard than otherwise described in these rules and regulations, provided the following are met:

- A. Such minor street serves as legal frontage for, or actual access to, not more than six lots.
- B. Such minor street shall be no longer than 250 feet. If there is a cul-de-sac, the minor street may be up to 250 feet long from the intersection of a street to the beginning of the cul-de-sac.
- C. There will be a covenant concerning the minor street which shall state that such minor street shall remain a private way unless it is both redesigned and improved in accordance with the minimum standards for streets by the owner or owners. In the event water or sewer lines are installed in a minor street, the covenant shall provide that the owner or owners of the minor street shall be solely responsible for the maintenance of the water and sewer installation. The owners of land abutting on a minor street shall maintain and plow said private minor street at their own expense. This covenant shall be referenced and noted on individual plot plans.
- D. Such minor street shall have no connection with, or projection to any street existing or proposed, other than that with which it originates.
- E. The design of the minor street shall be as follows:
 - (1) Curbs, sidewalks, and street trees are only mandatory in exceptional circumstances.
 - (2) Pavement will be a minimum of 24 feet wide.
 - (3) For dead ends, there shall be culs-de-sac or other turning designs acceptable to the Planning Board. Cul-de-sac shall be with a minimum right-of-way diameter of 100 feet and may have a thirty-six-foot diameter island; pavement shall be a minimum of 84 feet.
 - (4) The minor street shall be posted as a private way at its entrance or entrances.
 - (5) Pavement design and geometrics shall be the same as for a street except as noted in Subsection **E(1)** through **(4)** above.

- (6) Submission and plan requirements for minor subdivisions shall be the same as for definitive subdivisions.

§ 375-16. Curb cuts.

- A. Driveways shall be at least 10 feet wide and have a curb return at the roadway of two feet in radius, and shall have an opening of at least 16 feet and no greater than 25 feet at the gutter line.
- B. If driveways slope from the edge of the street right-of-way to the edge of the pavement, there shall be a grade of not less than 1% but not more than 8%, but the grade between the sidewalk and the right-of-way shall be only as shown on the typical cross section. (See the typical street cross-section diagram included as an attachment to this chapter.)

§ 375-17. Easements.

- A. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided with a width of at least 20 feet.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Beverly Planning Board shall require a stormwater easement or drainage right-of-way of adequate width (a minimum of 30 feet) and proper side slope to conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide for construction or other necessary purpose.
- C. Access easements to park and conservation land shall be provided, if required by the Beverly Planning Board, and shall be at least 20 feet wide.

§ 375-18. Open space.

- A. Before approval of a plan, the Beverly Planning Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Beverly Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three years. Pedestrian ways, bikeways, or bridle paths of not less than 20 feet in width may be requested where deemed desirable to provide circulation or access to schools, playgrounds, parks, shops, transportation, open spaces and/or community facilities. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purpose of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Beverly Planning Board.
- B. The Beverly Planning Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in good condition for the purpose intended, as required by the Beverly Planning Board. Land acquired in this manner shall be compensated as provided in MGL c. 41, § 81Q.

§ 375-19. Protection of natural and historic features.

Due regard shall be shown for all natural and historic features, such as trees, wooded areas, watercourses, scenic points, historic spots, historic buildings, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

§ 375-20. Lot drainage.

- A. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement for drainage of minimum width of 30 feet and proper slope shall be provided. Storm drainage shall be designed in accord with the criteria of the Department of Public Services and in accordance with the Beverly Planning Board.^[1]
 [1] *Editor's Note: Amended at time of adoption of Code.*
- B. Where required by the Beverly Planning Board or the Board of Health, the applicant shall furnish evidence as to any lot or lots that adequate provision has been made for the proper drainage of surface water and underground waters from such lot or lots.
- C. Drawings and engineering calculations shall be prepared by a registered professional engineer showing existing and future drainage patterns and soil and groundwater conditions.

§ 375-21. Fire hydrants.

Hydrants shall be provided at intervals of at least every 500 running feet on one side of each street. A hydrant may be required at the end of a dead-end street. They shall be of a style approved by the Water Department. All hydrants shall be sited within three feet of the curb, and the four-and-one-half-inch outlet shall be 18 inches from the ground at finished grade.

§ 375-22. Sidewalks, grass plots and trees.

- A. See the typical street cross-section diagram included as an attachment to this chapter.
- B. At the discretion of the Beverly Planning Board, guard rails or fencing shall be required to be installed where steep slopes, bodies of water, rip rap, or other dangerous conditions border or exist close to proposed sidewalks or streets.

§ 375-23. Utilities.

All utilities shall be placed underground at the time of initial construction, including electric and telephone.

Article V. Required Improvements for Approved Subdivisions

§ 375-24. General.

- A. It is the intent that no street or way through private property shall be accepted by the City unless the same has been previously constructed and completed in accordance with the typical cross section profile(s) (see the typical street cross-section diagram included as an attachment to this chapter) and the following specifications.
- B. Unless otherwise specified herein, or unless otherwise specified by the Engineering Department, all the work and materials used in the work to be done shall conform to the requirements in the most recent edition of the Commonwealth of Massachusetts, Department of Transportation, Standard Specifications for Highways and Bridges, as amended or revised, hereinafter referred to as the "Standard Specifications, as amended," and the special provisions included hereinafter.^[1]
 [1] *Editor's Note: Amended at time of adoption of Code.*
- C. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. These specifications and special provisions shall take precedence and shall govern when they are stricter.

- D. To facilitate reference, each paragraph in these specifications (where appropriate) is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- E. Wherever in the Standard Specifications or other contractual documents the following terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

COMMONWEALTH

City of Beverly.

DEPARTMENT

Engineering Department.

ENGINEER

The Planning Board of the City of Beverly acting directly or through an authorized representative; such representative acting within the scope of the particular duties entrusted to him.

- F. The extent of work required is as shown upon approved plans, and is in compliance with the typical cross section plans (the typical street cross-section diagram included as an attachment to this chapter). Stakes shall be set which will indicate the exact amount of cut or fill.
- G. As each construction operation is completed, it shall be approved by the Beverly Planning Board.
- H. To facilitate acceptance by the City of Beverly, the applicant shall have prepared and certified by a registered land surveyor a plan of acceptance drawn with India ink on tracing cloth (or another suitable method for reproduction), size 24 inches by 36 inches, showing widths, lengths, bearing of all boundary lines of streets and easements, and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds are set. A blank space four inches by eight inches shall be provided on the lower right-hand corner on the plan for a title block to be filled in by the applicant. The surveyor shall place a certification on the plan stating: "The street (or way or portion thereof) is laid out and the bounds are set as shown on this plan," which shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted to the Beverly Planning Board.
- I. The applicant shall submit as-built plans drawn on tracing cloth or Mylar certified by his engineer to show the actual locations and grades of all utilities (including underground electric, telephone and gas installations) and roadway profile and any changes authorized by the Beverly Planning Board.
- J. Prior to the final release of any surety, the applicant shall submit with the plan of acceptance and as-built plans, certification from a registered professional engineer and registered land surveyor that all construction conforms to the respective plan. Any field work deviations from the plans and the reasons therefor shall also be listed and certified by the registered professional engineer and registered land surveyor.

§ 375-25. Streets and roadways.

- A. The roadway shall be graded and prepared for pavement as follows:
 - (1) 101: Clearing and grubbing of the entire area of such street or way shall be performed to remove all stumps, brush, roots, boulders and any like material which may exist upon the surface.
 - (2) 120: Roadway earth excavation shall remove all materials encountered down to the true surface of the subgrade, or to suitable material in areas where unsuitable material exists, in preparation for foundations of roadway, sidewalks, driveways, and berms. Approved materials obtained from the excavation may be used in fills as required if, in the opinion of the Beverly Planning Board, they are suitable.
 - (3) 150: When, in the opinion of the Beverly Planning Board, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material as may be approved by the Beverly Planning Board from other sources in accordance with the section. (See also Appendix V.^[1])

[1] Editor's Note: Appendix V is included as an attachment to this chapter.

- (4) 170: The subgrade surface, 16 1/2 inches below the finished surface grade, shall be prepared true to the lines, grades and cross sections given and properly rolled. All soft and spongy material below the subgrade surface shall be removed to a depth determined by the Beverly Planning Board, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
 - (5) 401: Gravel subbase or foundation containing no stones having any dimensions greater than three inches shall be spread on the surface of the subgrade to a minimum depth of 12 inches in conformity with the requirements of Section M1.03.0 Type b of the Standard Specifications for furnishing gravel borrow. If construction of streets cannot be completed prior to a winter season, all streets in a subdivision shall be levelled prior to the closing of concrete plants in the fall. Levelling shall be done in a manner satisfactory to the Director of Engineering, Commissioner of Public Services, Public Works.
 - (6) 401.60: Final grading, rolling and finishing, including the shaping, trimming, rolling and finishing of the surface of the subbase prior to application of gravel for surfacing of the roadway and base courses for walks or loam for berms shall be in accordance with this section and as directed by the Beverly Planning Board. At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in § 375-31, Monuments, of these rules and regulations.
- B. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in § 375-14B. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Beverly Planning Board. The minimum width of roadway pavement shall be 32 feet on a fifty-foot right-of-way.
 - C. 460: The wearing surfaces of roadways shall be of Class I bituminous concrete pavement, Type I-1, paved in two equal courses with three inches of binder and 1 1/2 inches of finish when completely rolled and completed. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed upon the prepared surface and in conformity with lines, grades and typical cross section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken unless the temperature is at least 32° F. in the shade, and rising.
 - D. 685: Embankments outside the right-of-way shall be evenly graded and pitched at a minimum slope of three feet horizontal to one foot vertical in fill. When rights-of-way are placed within 50 horizontal feet of abutting land outside the subdivision, the roadway embankments should be pitched at a minimum slope of five feet horizontal to one foot vertical. Where cuts are made in ledge, other slopes may be determined with the approval of the Beverly Planning Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Beverly Planning Board. Whenever embankments are built in such a way as to require approval by the Beverly Planning Board, the applicant must furnish to the City duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

§ 375-26. Utilities.

- A. 140: Excavation for structures, including foundations for drains, sewers and water pipes, walls and other structures, shall be made to the depth as indicated on the definitive plan or established by the City Engineer or Director of Engineering, Commissioner of Public Services, Public Works as appropriate. Rock excavation shall be removed as directed. All utilities shall be covered with a minimum of two feet of clean sand or approved gravel. Blasted rock or boulders greater than one foot in any one dimension shall not be permitted as backfill.
- B. 200: All drain, sewer, gas and water pipes, underground utilities and other structures shall be installed upon the completion of roadway subgrade and before the placing of subbase, gravel base course, sidewalks or pavement.
 - (1) Water.
 - (a) Public water mains shall be Class 150 cement-lined ductile iron pipe of such size as approved by the Water Department and shall not be less than eight inches in diameter. A hydrant shall be located at

each street intersection and not more than 500 feet apart. A hydrant may be required at the end of a dead-end street. All hydrants shall be sited within three feet of the curb.

- (b) Each hydrant shall be served directly from the water main through a six-inch lateral connection. It shall be gated with a valve box with a six-inch valve and shall have two two-and-one-half-inch hose outlets, and one four-and-one-half-inch pump outlet. The four-and-one-half-inch hose outlet shall be 18 inches from the ground at finished grade. Water main valves shall be located in such number and locations that lines by individual blocks may be isolated for maintenance purposes.
 - (c) The applicant shall provide adequately sized water pipes to connect to the public water system in accordance with the Beverly Planning Board.
 - (d) The fire flow for single-family residential projects shall be 1,000 gallons per minute at a residual of 20 pounds per square inch. The Chief of the Beverly Fire Department may require higher fire flow rates for certain projects, to be determined by taking certain variables into consideration: (e.g., size of structure, elevation of structure, impediments to fire-fighting apparatus, construction methods used, and type of use).
- (2) Gas mains may be installed if gas connection is available.
 - (3) Telephone lines shall be installed in underground conduits in conformity with Section 390 of the Standard Specifications.
 - (4) Electric lines shall be installed underground in accord with the regulations of the Inspector of Wires. The Beverly Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations.
 - (5) Sewerage.
 - (a) If a public sewerage system is located within 1000 feet of the subdivision, the applicant shall connect all lots to the public sewerage system in accordance with the Beverly Planning Board at the applicant's expense.
 - (b) If a public sewerage system is planned by the City but not yet constructed, the applicant shall be required to design and install, at his cost, in the street and to every lot, sewerage laterals which can be connected later to the public sewerage system. In order for the applicant to design and install properly such laterals, the City shall be responsible for establishing and providing the applicant, at the applicant's expense, with the necessary plan, specifications and design standards of the proposed public sewerage system.
 - (c) If Subsections **B(5)(a)** and **(b)** above do not apply, the applicant shall design an acceptable sewerage system but may install private on-lot systems in conformance with Board of Health regulations and the City of Beverly Zoning Ordinance.^[1]
 - [1] *Editor's Note: See Ch. 400, Board of Health Regulations; and Ch. 300, Zoning.*
 - (d) Where public sewers are required, the following design standards shall apply:
 - [1] Public sewers shall be designed according to professional engineering practices.
 - [2] Public sewers shall not be less than eight inches in diameter, with five-inch house laterals.
 - [3] Manholes shall be located at every change in grade or horizontal alignment but not more than 250 feet apart. Sewer ejector pumps may be permitted at the discretion of the Board.
- C. 200, 220, 230: Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of Sections 200, 220, 230 of the Standard Specifications, and shall be built on both sides of the roadway at intervals not to exceed 250 feet unless otherwise approved by the Beverly Planning Board, and at such other places as deemed necessary by the Beverly Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut. Catch basin and manhole frames

shall be two feet in diameter or square and be Mass. Standard. There shall be two courses of brick and mortar placed under the frames on all manholes and catch basins.

- (1) The standard depth of catch basins shall be two feet six inches below the invert of the lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes.
 - (2) Reinforced concrete pipe (used on all cross drains under pavements) shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has been inspected by the City Engineer. All drainage trenches shall be filled with clean gravel borrow in accordance with specification 760.
- D. 260: Where subdrains are required by the Beverly Planning Board, they shall conform to Section 260 of the Standard Specifications.
- E. On-site sewerage disposal facilities shall be installed and constructed in conformity with the rules, regulations, and requirements of the Board of Health. On-site septic tanks and leaching fields shall be located insofar as possible in the front or side yard of the building(s) served, unless surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities require their placement in the rear yard.
- F. Adjacent property.
- (1) Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provisions shall be made for the extension of the utility system by continuing the mains the full length of streets to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Beverly Planning Board, permit their proper extension at a later date.
 - (2) Investigation of subsurface soil and groundwater conditions and hydrology shall be made sufficient to predict the probable maximum rates of flow of groundwater and surface infiltration, and the proposed drainage system should be capable of at least these rates of flow.
 - (3) If there is evidence that there will be high rates of groundwater infiltration, such as in cuts or in wide, flat areas, consideration should be given to installing underdrains to control the probable maximum rate of water inflow.
 - (4) Care should be taken to prevent placing gravel subbase material in direct contact with erodible soil which could clog the gravel subbase and prevent adequate drainage. When such erodible soils (i.e., fine sand, silts, or clays) are at subgrade level, adequate soil or cloth filter material shall be placed between the subgrade and the subbase gravel.

§ 375-27. Sidewalks.

- A. Sidewalks shall be constructed within the subdivision separated from the pavement area by a seeded strip, as provided in § 375-29.
- B. The sidewalk shall extend the full length of each side of the street and shall be a minimum width of five feet.
- C. 700: Bituminous concrete sidewalks having a minimum thickness of 2 1/2 inches after compression shall be constructed on a twelve-inch gravel foundation to the required lines and grades in accordance with these specifications.
- D. 700: If concrete sidewalks are desired, they shall be constructed as directed by the City Engineer in conformity with this section of the Standard Specifications.
- E. Where the Beverly Planning Board grants either a partial or full waiver of the requirement for sidewalks, the developer shall contribute funds, in an amount to be determined by the Beverly Public Works Commissioner, which shall equal the cost of the waived portion of sidewalk, into the City's sidewalk fund. These contributions for waived sidewalks shall be used only for sidewalk improvements in the ward in which the subdivision is being

proposed. The Planning Board shall not require an "in-lieu-of" payment for sidewalks if the project has been submitted as a minor subdivision.

§ 375-28. Curbs and berms.

- A. Straight-face granite curbs of six inches in height shall be provided along each side of the roadway.
- (1) Straight-face granite curbing shall be required on culs-de-sac, intersection radii, and any other areas as determined by the Beverly Planning Board.
 - (2) A six-foot granite curb inlet shall be installed at each catch basin.
- B. All granite curbing and edging shall be basically light gray in color, free from seams and other structural imperfections or flaws which would impair its structural integrity, and of a smooth splitting appearance. Natural color variation characteristic of the deposit from which the curbing is obtained will be permitted. when curbing is sawed. All surfaces that are to be exposed shall be thoroughly cleaned of any iron rust or iron particles by sand blasting or other approved methods satisfactory to the Engineer, and any saw mark in excess of 1/8 inch shall be removed.
- C. Massachusetts Department of Transportation handbook specifications for VA-4 and SA granite curbing shall be adopted for use on streets and driveway openings. If, however, pursuant to appropriate regulations of the Planning Board, SA curbing is allowed by special waiver (granted by the Planning Board), then MassDOT specifications for such curbing shall be adopted.
- (1) M9.04.1: Granite curb.
 - (a) The stones for the several types of granite curb shall be cut to the dimensions and curvature hereinafter stated:

Type	Minimum Length (feet)	Width at Top (inches)	Depth (inches)	Minimum Width at Bottom (inches)
VA1	6	7	7 to 19	4 (for 2/3 length)
VA2	6	7	19 to 21	4 (for 2/3 length)
VA3	6	6	19 to 21	4 (for 2/3 length)
**VA4	6	6	17 to 19	4 (for 2/3 length)
VA5	6	6	See Plans	5 (for 2/3 length)
VB	3	5	15 to 17	3 1/2 (for 2/3 length)

- (b) Except for the two following special conditions, 10% of the length of each type of VA curb installed on the project may consist of stones no more than six inches shorter than the length specified in either table.
 - [1] Stones used in making closures may be as much as 1/3 shorter than specified in either table.
 - [2] On curves with radii greater than 100 feet but less than 500 feet, Type VA stones may be from four feet to not more than six feet in length.
- (c) Type VA stones to be set on a radius of 100 feet or less shall be cut unless otherwise directed and except for making closures shall be of minimum lengths as follows:

Radius (feet)	Minimum Length
50 to 100	6 feet
25 to less than 50	4 feet 6 inches
Less than 25	3 feet

- (2) Type VA curb. This type of curbstone shall have a top surface free from wind, shall be peen hammered or sawed to an approximately true plane, and shall have no projections or depressions greater than 1/8 inch. The front and back arris lines shall be pitched straight and true and there shall be no projection on the back surface for three inches down from the top which would exceed a batter of four inches in one foot, except on VA5 the back surface shall have no projection or depression greater than 1 1/2 inches.
 - (a) The front face shall be at right angles to the planes of the top and ends and shall be smooth quarry split, free from drill holes and with no projection of more than one inch and no depression of more than 1/2 inch measured from the vertical plane of the face through the arris or pitch line for a distance down from the top of eight inches for Types VA1 and VA4, 10 inches for VA2 and VA3, and the full depth of VA5. For the remaining distance there shall be no projection or depression greater than one inch measured in the same manner.
 - (b) The ends of all stones shall be square with the planes of the top and face so that when the stones are placed end to end as closely as possible, no space shall show in the joint at the top and face of more than 1/2 inch for the full width of the top and for eight inches down on the face for Types VA1 and VA4, 10 inches for Types VA2 and VA3, and the full depth of Type VA5; after which the end may break back not over eight inches from the plane of the joint. The arris formed by the intersection of the plane of the joint with the planes of the top and exposed faces shall have no variation from the plane of the top and exposed faces greater than 1/8 inch.
- (3) Type SA edging.
 - (a) The exposed face shall be smooth quarry split to an approximately true plane having no projections or depressions which will cause over one inch to show between a two-foot straight-edge and the face when the straight-edge is placed as closely as possible on any part of the face.
 - (b) If projections on the face are more than that specified, they shall be dressed off. The top and bottom lines of the face shall be pitched off to a straight line and shall not show over 1/2 inch between stone and straight-edge when straight-edge is placed along the entire length of the top and bottom lines and when viewed from a direction at right angles to the plane of the face, and for the top line only not over 1/2 inch when viewed from a direction in the plane of the face. The ends shall be square to the length at the face and so cut that when placed end to end as closely as possible, no space shall show in the joint at the face of over 3/4 inch, except that where the edging is to be used on a curve having a radius of 10 feet or less, the ends of the stones shall be so cut as to provide a finished joint at the face of not more than 1/2 inch. The arris formed by the intersection of the plane of the face with the plane of the end joint shall not vary from the plane of the face or the plane of the joint more than 1/4 inch. Drill holes may show on the exposed face but only along the bottom edge. The sides shall not be broken under the square more than four inches and the side adjacent to the grass shall not project over one inch.

§ 375-29. Grass plots.

- A. A grass plot shall be provided on each side of each roadway between the pavement and sidewalk areas, and shall occupy all the remaining area.
- B. The slope of the grass plot shall be as shown on the profiles and typical cross section (see the typical cross-section diagram included as an attachment to this chapter).
- C. Streetlight stanchions and streetlights shall be located in the grass plot, but shall not be nearer than 25 feet to the intersection of two streets, measured from the intersection of the tangents of the intersecting street curblines.

§ 375-30. Trees.

- A. Street trees of species approved by the Planning Board shall be planted on each side of each street (at least two per lot) in a subdivision, except where the definitive plan shows trees to be retained which are healthy and

adequate. Such trees shall be located outside of the right-of-way as shown in the profile and typical cross section (see the typical cross-section diagram included as an attachment to this chapter); they shall be placed at approximately fifty-foot intervals and shall be at least 12 feet in height, two inches in caliper measured four feet above the approved grade, and shall be planted in at least 1/2 cubic yard of topsoil.

- B. All deciduous street trees shall be clear of any branches from the approved grade level to a point seven feet above ground level.
- C. The developer will be liable for all trees so planted as to their erectness and good health for 18 months after acceptance.
- D. All cut bankings must be planted with a low-growing shrub and wood chipped to a minimum depth of six inches or seeded with a deep-rooted perennial grass to prevent erosion.

§ 375-31. Monuments.

- A. Granite monuments shall be installed on street lines at all points of curvature and at all points of change in direction.
- B. Monuments shall be installed at all other points where, in the opinion of the Beverly Planning Board, permanent monuments are necessary.
- C. Monuments shall be a standard permanent granite of not less than four feet in length and not less than six inches in width and breadth and shall have a one-half-inch by two-inch drill hole in the center of the top surface. Said monuments shall be installed at the time of the final grading with the top flush with the top final graded surface.
- D. The placement and accurate location of those markers shall be certified by a registered land surveyor and properly located on the street acceptance plan.

§ 375-32. Street signs and names.

- A. Upon completion of the first house, reflective street signs shall be installed at each intersection to conform to the standard established by the Department of Public Services.^[1]
^[1] *Editor's Note: Amended at time of adoption of Code.*
- B. Street names shall be approved by the City Council with review by the Police Department and Fire Department to prevent duplication and confusion and to provide names in keeping with the character of the City.
- C. From the time of final grading until such time as each street is accepted by the City as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street a private way.

§ 375-33. Streetlights.

- A. Streetlights shall be installed to conform to the type and style as required by the Inspector of Wires.
- B. Streetlight stanchions shall be located at such intervals as required by the Beverly Planning Board in the rear grass plot, as provided in § 375-29, and shall be installed in accord with the procedure required by the Inspector of Wires.

§ 375-34. Fire alarm systems.

Fire alarm systems of design and construction approved by the Inspector of Wires and Fire Prevention Bureau, shall be required along streets in the subdivision in conformity with specifications, publication #73, of the National Fire

Protection Association. Specifications for the installation of same may be obtained at the Inspector of Wire's office.

§ 375-35. Soil or solid fill.

Before the disposal of soil or solid fill is introduced on a site from locations both within and without the City of Beverly, a valid site assignment from the Beverly Board of Health must be obtained (see Appendix V^[1]). A notation to this effect must be added to the plan.

[1] *Editor's Note: Appendix V is included as an attachment to this chapter.*

§ 375-36. Maintenance of improvements.

For the purpose of protecting the safety, convenience and welfare of the City's inhabitants, for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for reducing the danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; under the authority of MGL c. 41, § 81M, as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements under this section of the rules and regulations during the construction of said improvements or until the City votes to accept such improvements, whichever comes first.

Article VI. Administration

§ 375-37. Variations.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Beverly Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. (See § 375-27, Sidewalks, Subsection E, for "in-lieu-of" payments for waivers of the sidewalk requirement.)

§ 375-38. State law authority.

For matters not covered by these rules and regulations, reference is made to the Subdivision Control Law, MGL c. 41, §§ 81K to 81GG, inclusive.

§ 375-39. Filing of plans.

Approval of any definitive subdivision plan is subject to the condition that, unless an appeal has been taken from such approval as provided by MGL c. 41, § 81BB, the subdivider will record the definitive plan in the Essex South District Registry of Deeds or the Land Court within six months of the date of its approval, or within 12 months of approval if accompanied by a certificate of no amendment/rescission from the Planning Board (see MGL c. 41, § 81X). Approval is also conditioned upon the subdivider certifying to the Planning Board, in writing, within 30 days of recordation that the plan has indeed been recorded with the Registry of Deeds or the Land Court, giving the date it was recorded and the plan book and page number or certificate number. Failure to file said plan shall render any approval null and void.

§ 375-40. Building permits.

- A. No building shall be erected within a subdivision without written permission from the Beverly Planning Board by Release Form H, or other approved form (Appendix H).^[1]

[1] *Editor's Note: Appendix H is included as an attachment to this chapter.*

- B. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such

lot as required by the Subdivision Control Law is shown on a plan recorded under MGL c. 41, § 81X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot had been satisfied or waived by the Board, and in the event that more than one building for dwelling purposes will be erected or placed or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Beverly Planning Board in accord with § 375-6 of these rules and regulations, MGL c. 41, § 81Q, and amendments thereto.

§ 375-41. Inspections.

- A. Inspections shall be arranged by the applicant with the City Engineer for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
- B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the Beverly Planning Board.
- C. Inspections shall be made by the City agent, unless otherwise indicated, for each of the following:
 - (1) Satisfactory excavation.
 - (2) Satisfactory laying and testing of water and sewer mains, hydrants, and related equipment.
 - (3) Satisfactory location of gas mains and related equipment (by National Grid Gas).
 - (4) Satisfactory installation of surface and subsurface drainage systems and related equipment.
 - (5) Satisfactory filling.
 - (6) Satisfactory compaction.
 - (7) Satisfactory installation of electric lines and related equipment.
 - (8) Satisfactory location of telephone lines and related equipment.
 - (9) Satisfactory completion of the pavement.
 - (10) Satisfactory placing of curbs and gutters.
 - (11) Satisfactory construction of sidewalks.
 - (12) Satisfactory finish grading of grass plots.
 - (13) Satisfactory installation of monuments.
 - (14) Satisfactory grading of lots.
 - (15) Satisfactory planting of street trees.
 - (16) Satisfactory final clean-up.
- D. The Beverly Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the applicant proceeds to the next. It may require tests to be done by the applicant as a condition of approval, when, in the opinion of the Beverly Planning Board, it is advisable.
- E. The proper City official shall indicate on Form N, Inspection Form (Appendix N),^[1] provided by the Beverly Planning Board, the date of inspection and the approval and shall file such form with the Beverly Planning Board.
 - [1] *Editor's Note: Appendix N is included as an attachment to this chapter.*
- F. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with MGL c. 41, § 81W.

- G. The Director of Engineering, Commissioner of Public Services, Public Works or his duly authorized agent may stop the progress of the entire work in the installation of utilities and streets within the subdivision, until corrections are completed.
- H. The Director of Engineering, Commissioner of Public Services, Public Works may require that an RPE (registered professional engineer) be available at the applicant's expense during the construction.

§ 375-42. Validity.

If, in any respect, any provision of these rules and regulations, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be invalid and in all other respects these rules and regulations shall stand as if such invalid provisions had not been made, and they shall fail to the extent, and only to the extent, of such invalid provision, and no other provision of these rules and regulations shall be invalidated, impaired, or affected thereby.

§ 375-43. Modifications to approved plans.

No changes, alterations, or modifications shall be made to any aspect of an approved definitive plan without resubmission to and approval from the Planning Board in accordance with MGL c. 41, §§ 81O and 81W. The applicant shall be held responsible for all omissions, infractions, and deviations from the approved plans.

SUBDIVISION OF LAND

375 Attachment 1

City of Beverly

Appendix A
Beverly Planning Board

FORM A: ANR PLAN

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL
[Amended 12-20-2005]

File three completed forms with the Beverly Planning Board, together with the Mylar, a Mylar reproducible, three prints, a \$100 filing fee to adjust lot lines or \$200 filing fee per lot created, and copies of any decisions of the Zoning Board of Appeals. One completed form will also be filed with the City Clerk. See attached "Instructions for Plans."

_____20_____20_____
(Date of Filing) (Received by)

Amount Paid _____

To the Beverly Planning Board:

The undersigned, believing that the accompanying plan of his property in the City of Beverly does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Beverly Planning Board approval under the Subdivision Control Law is not required.

Name of Owner: _____

Address: _____ Tel. #: _____

Name of Applicant: _____

Address: _____ Tel. #: _____

Name of Surveyor: _____
(Registration #)

Address: _____ Tel. #: _____

Deed of Property Recorded In: _____ Registry

Book Number: _____ Page Number: _____

City of Beverly Assessor's Map Number: _____ Parcel #'s: _____

BEVERLY CODE

Location and Description of Property: _____

Reason plan does not constitute a subdivision: _____

Has the person, corporation, or other legal entity making this application ever, within the 10 years preceding the date of this application:

1. Been convicted of a crime related to the construction or development of real property?

Yes _____ or No _____

2. Suffered the suspension or revocation of any construction- or development-related permit or license?

Yes _____ or No _____

3. Been subjected to a fine or other penalty for any construction- or development-related offense?

Yes _____ or No _____

If the answer to any of the above questions above is "yes," any member of the Beverly City Council may request that the applicant explain the circumstances of any such conviction, suspension, revocation, fine, or penalty at a public hearing called for that purpose in accordance with City Council Order #14 of 1999.

Signature of Applicant or Agent: _____

Address: _____

Signature of Owner if not Applicant: _____

Address: _____

SUBDIVISION OF LAND

BEVERLY PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED:

Signed: _____

For the Beverly Planning Board: _____
(date)

The Beverly Planning Board determined on _____ that this plan does, in
fact, constitute a subdivision. (MGL c. 41, § 81P). Notification of said determination sent to
City Clerk and Applicant on _____.

BEVERLY CODE

INSTRUCTIONS FOR PLANS BELIEVED NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW (ANRs)

Submission Requirements

An applicant who believes that his plan does not require approval under the Subdivision Control Law shall submit the following to the Beverly Planning Board:

1. One Mylar original.
2. One Mylar reproducible.
3. Three prints.
4. Three fully executed Form As.
5. \$100 filing fee to adjust lot lines or \$200 filing fee per lot created (checks should be made payable to the City of Beverly).
6. Copy of any decision(s) of the Zoning Board of Appeals, including, but not limited to, variances and exceptions regarding the land or any buildings thereon.

Plan Requirements

Plans submitted as ANRs must contain the following information:

1. Identification of the plan by name of owner of record and location of the land in question, cross-referenced to page and parcel number of the Assessor's Maps.
2. The statement "Approval Under the Subdivision Control Law Not Required," and sufficient space for the date and the signatures of the majority of the Board.
3. A locus plan, 800 feet to the inch, shall be included on the plan.
4. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
5. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
6. Notice of any decision of the Zoning Board of Appeals, including, but not limited to, variances and exceptions regarding the land or any buildings thereon.
7. Abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records. (See Form E, Certified List of Abutters, Appendix E.)
8. Distance to the nearest road or other permanent monument(s).
9. Location of all existing buildings, including setback and side yard and rear yard designations.
10. The scale, date, and name of the engineer or surveyor who prepared the plan.

SUBDIVISION OF LAND

11. Location of nearest fire hydrant(s).
12. Metes and bounds of all existing and proposed boundary lines.
13. Notation explaining purpose of ANR (details of transactions, making an existing nonconforming lot conforming, etc.).
14. Notation stating that: "Endorsement of this plan as one not requiring approval under the Subdivision Control Law is not a determination as to conformance with zoning."

Procedure

Upon receipt of an ANR filing which meets all the submission and plan requirements listed above, the Planning Department will date stamp the applications. Applicant will file one copy of the stamped application with the City Clerk.

As required by MGL c. 41, § 81P, the Planning Board has 21 days from the date of filing to review the plan. If the Planning Board determines that the plan is indeed an ANR, it will, without a public hearing, endorse the plan and return it to the applicant for recording. (*NOTE: Endorsed plans must be recorded at the Registry of Deeds within six months of being signed. If for some reason the plan does not get recorded within six months, certification of vote must be obtained from the Planning Board; contact Planning Staff for more information.) Upon recording or registering the final endorsed plan with the Registry of Deeds or Land Court, two copies of the registered or recorded plan shall be submitted to the Planning Department.

Upon endorsement of the plan by the Beverly Planning Board that the plan does not require approval under the Subdivision Control Law and recording or registering the plan with the Registry of Deeds or Land Court, the applicant or owner of record shall forthwith file with the Beverly Engineering Department GIS Coordinator, at no charge or cost to the City of Beverly, an electronic file of the final endorsed plan. The files shall be in CAD or GIS format and may be submitted on CD, DVD or by electronic mail. All files shall be submitted to the City of Beverly Engineering Department in accordance with its "Digital Data Submission Requirements."

If the Planning Board declines to endorse the plan as an ANR, it will so inform the applicant and City Clerk in writing, and will return the unsigned plan to the applicant. If the Board determines that subdivision approval is required, applicant may either:

- a. Submit a definitive subdivision plan (or, when required, a preliminary subdivision plan) to the Planning Board for review; or
- b. Appeal the Planning Board's decision in the manner provided in MGL c. 41, § 81BB.

BEVERLY CODE

City of Beverly

Appendix A-1
Beverly Planning Board

FORM A-1: FRONTAGE WAIVER
APPLICATION FOR WAIVER OF FRONTAGE REQUIREMENT
Filing Fee: \$100

TO THE PLANNING BOARD:

The undersigned represent(s) that he/she is (are) the owner(s) of a certain parcel of land located at _____ which he/she propose(s) to divide into _____ lot(s), as depicted on the accompanying plan; and hereby petitions the Planning Board to waive, to the extent shown on the submitted plan, the frontage requirements of the City of Beverly Zoning Ordinance and Planning Board's Subdivision Rules and Regulations pursuant to the authority of M.G.L. Chapter 41, Section 81-R for the following reason(s):

Name of owner(s): _____

Address of owner(s): _____

Telephone number: _____

Name of surveyor: _____ (Registration #)

Surveyor's address: _____

Deed of property recorded in _____ Registry of Deeds

Book and Page #: _____

Location of property: _____

Assessor's Map/Lot #: _____

Zoning Designation(s): _____

Date of filing: _____

Signature of owner(s) or representative _____

SUBDIVISION OF LAND

Plan Requirements

1. Identification of the plan by name of owner of record, and location of the land in question, cross-referenced to page and parcel number of the assessors' maps.
2. A locus plan at 800 feet to the inch shall be included on the plan.
3. Zoning classification and location of any zoning district boundaries that may lie within the locus;
4. Notice of any decision of the zoning board of appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon
5. Distance to the nearest road or other permanent monuments
6. Location of all existing buildings, including setback and side and rear yard designations.
7. The scale, date, and name of the engineer or surveyor who prepared the plan (plan must also include registration stamp)
8. Location of nearest fire hydrant(s)
9. Metes and bounds of all existing and proposed boundary lines
10. The statement "Approved Under the Subdivision Control Law M.G.L. Chapter 41, Section 81-R" and sufficient space for the date and signatures of the majority of the Board.
11. Location, size, and identity of all utilities servicing the lots.

SUBDIVISION OF LAND

375 Attachment 2

City of Beverly

Appendix B
Beverly Planning Board

FORM B: PRELIMINARY PLAN OR MODIFICATION OF A PRELIMINARY PLAN
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN
OR MODIFICATION OF A PRELIMINARY PLAN
[Amended 12-20-2005]

File one completed form with the Beverly Planning Board, together with the original and 12 copies of the plan in question, 10 additional copies of plans, size 11 inches by 17 inches; and a filing fee of: Residential: <10 lots, \$500 plus \$25 per lot created; >10 lots, \$1,000, plus \$25 per lot created; Commercial: \$1,000, plus \$25 per acre; Modification: 1/2 of original filing fee. File a copy of Form B with the City Clerk in accordance with § 375-12A.

_____20_____20_____
(Date of Filing) (Received by)

To the Beverly Planning Board:

The undersigned, being the present owner of record of all land included with a proposed subdivision shown on the accompanying plan entitled _____

by _____ dated _____

Being land bounded as follows: _____

hereby submits said plan as a Preliminary Subdivision Plan in accordance with the Rules and Regulations of the Beverly Planning Board and makes application to the Board for approval of said plan:

The undersigned's title to said land is derived from _____

by deed dated _____

and recorded in the Essex South District Registry of Deeds Book _____ Page _____
registered in the Essex South District Land Court, Certificate of Title No. _____
and shown on City of Beverly Assessor's Map Number: _____ Parcels: _____

BEVERLY CODE

Has the person, corporation, or other legal entity making this application ever, within the 10 years preceding the date of this application:

1. Been convicted of a crime related to the construction or development of real property?

Yes _____ or No _____

2. Suffered the suspension or revocation of any construction- or development-related permit or license?

Yes _____ or No _____

3. Been subjected to a fine or other penalty for any construction- or development-related offense?

Yes _____ or No _____

If the answer to any of the questions above is "yes," any member of the Beverly City Council may request that the applicant explain the circumstances of any such conviction, suspension, revocation, fine, or penalty at a public hearing called for that purpose in accordance with City Council Order #14 of 1999.

Signature of Applicant or Agent: _____

Address: _____

Signature of Owner if not Applicant: _____

Address: _____

(For Office Use Only)

Action taken: _____

_____ Date: _____

SUBDIVISION OF LAND

375 Attachment 3

City of Beverly

Appendix C
Beverly Planning Board

FORM C: DEFINITIVE PLAN

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN
OR MODIFICATION OF DEFINITIVE PLAN
[Amended 12-20-2005]

File one completed form with the Beverly Planning Board, together with the originals, one reproducible copy and 12 copies of the plan in question, 10 additional copies of plans, size 11 inches by 17 inches, and file a copy of Form C with the City Clerk in accordance with § 375-13A. See attached Regulations Governing Fees and Fee Schedules.

See Form R for applicant signature information.

This form is to be accompanied by Forms D and E.

_____ 20 _____ 20
(Date of Filing) (Received by)

To the Beverly Planning Board:

The undersigned, being present record owner of all land included within a proposed subdivision shown on the accompanying plan entitled

_____ Section: _____ Sheets: _____
by _____ dated: _____

Being land bounded as follows: _____

Hereby submits said plan as a Definitive Subdivision Plan in accordance with the Rules and Regulations of the Beverly Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

BEVERLY CODE

By deed dated _____ and recorded in the Essex South District Registry of Deeds Book _____ Page _____ registered in the Essex South District Land Court, Certificate of Title No. _____ and shown on City of Beverly Assessor's Map Number: _____ Parcels: _____ and said land is free of encumbrances except for the following:

Said plan has () has not () evolved from a Preliminary Plan submitted to the Board on _____ 20 _____ and approved () with modifications () disapproved () on _____ 20 _____.

The undersigned hereby applies for the approval of said Definitive Plan by the Board and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the City of Beverly upon approval of said Definitive Plan by the Board:

1. To install utilities in accordance with the Rules and Regulations of the Beverly Planning Board, the Public Services Department, Fire Department and Police Department and all general ordinances as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the street or ways shown thereon in accordance with Article V of the Rules and Regulations of the Beverly Planning Board and the approved Definitive Plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole part of said land, and assigns of the undersigned; and
3. To complete the aforesaid installations and construction within two years from the date of approval.

Has the person, corporation, or other legal entity making this application ever, within the 10 years preceding the date of this application:

1. Been convicted of a crime related to the construction or development of real property?
Yes _____ or No _____
2. Suffered the suspension or revocation of any construction- or development-related permit or license?
Yes _____ or No _____
3. Been subjected to a fine or other penalty for any construction- or development-related offense?
Yes _____ or No _____

SUBDIVISION OF LAND

If the answer to any of the above questions above is "yes," any member of the Beverly City Council may request that the applicant explain the circumstances of any such conviction, suspension, revocation, fine, or penalty at a public hearing called for that purpose in accordance with City Council Order #14 of 1999.

Signature of Applicant: _____

Address: _____

Signature of Owner if not the Applicant: _____

Address: _____

(FOR OFFICE USE ONLY)

Action taken: _____

(date)

Signed: _____

Date and action of Board of Health: _____

The petitioner is required to bring to the Board a lien certificate indicating that there is no indebtedness to the City of Beverly at the time of filing said application.

BEVERLY CODE

CONTENT REQUIREMENTS FOR DEFINITIVE PLANS

Locus at 1:800 scale	_____
Plan at 1:40 scale	_____
Sheet size 24" x 36"	_____
Index sheet showing entire subdivision 1:100	_____
Adjacent lots shown	_____
Dimensions of lots	_____
Street numbers and lot numbers	_____
Assessor's Map and Parcel Number	_____
Signed and stamped by professional engineer	_____
Title Block	
<input type="checkbox"/> Name of subdivision	
<input type="checkbox"/> Date	
<input type="checkbox"/> Scale	
<input type="checkbox"/> Name and addresses of applicant	
<input type="checkbox"/> Names of designer, engineer, registered architect, surveyor	_____
North arrow	_____
Benchmark	_____
Boundaries of subdivision	_____
Location and ownership of abutting property	_____
Copy of deed	_____
Major features, i.e., waterways, swamps, water bodies, natural drainage courses, buildings, walls, fences, trees 6" in diameter, etc.	_____
Lines of existing and proposed streets, ways, lots, lot numbers, easements, public or common areas	_____
Data to determine location, direction, and length of every street and way, lot line, etc.; include lot frontage, subdivision lot lines	_____
Indicate all streets, easements, length, radii, tangents, and central angles of all curves in lot lines and street lines, angle points, or intersections of tangents along street lines	_____
Location of all permanent monuments	_____
Location, names, and widths of streets within proximity of the subdivision, showing roadways widths and rights-of-way widths	_____

SUBDIVISION OF LAND

Topo details at a sufficient distance from the roadway layout for existing roadway improvements abutting homeowners	_____
Indication of all easements, covenants or restrictions	_____
Land Court information provided on plan	_____
Space to record action of Board	_____
Space for Board's signature	_____
Notation for "rodent control"	_____
Existing profiles scales at 1:40	_____
2 benchmarks for plans and profiles	_____
Grade elevations at 50' stations except vertical which are 25"	_____
Existing and proposed intersections and sidewalks	_____
Subsoil information for soil conditions	_____
Existing and proposed topo at 2' intervals	_____
Highest known water mark	_____
Size and location of existing and proposed water supply mains and their appurtenances	_____
Sewage disposals and their appurtenances	_____
Data on percolation and borings	_____
Method of carrying water to nearest watercourse	_____
Drainage calculations	_____
Location and species of proposed street trees	_____
Location of trees 6" in diameter, 4' from ground	_____
Cross section typical of each street, roadway, and sidewalk	_____
Location of street lighting, sidewalks, underground electric lines and fire alarm system	_____
Conceptual design of each utility pump station and site plan at scale of 1:20	_____
Engineering calculations relating to fire protection, vehicular traffic flow, utilities and all safety precautions	_____
Overall drainage calculations	_____
Sheets numbered 1, 2, 3, etc.	_____

SUBDIVISION OF LAND

375 Attachment 4

City of Beverly

Appendix D
Beverly Planning Board

FORM D
DESIGNER'S CERTIFICATE
(To Accompany Forms B and C)

(Date of filing) 20____

To the Beverly Planning Board:

In preparing the plan entitled _____

Sections: _____ Sheets: _____

my source(s) of information about the location of boundaries shown on said plan are/were one or more of the following:

1. Deed from _____ to _____
dated _____ and recorded in the Essex South District Registry of Deeds
Book _____ Page _____
2. City of Beverly Assessor's Map No. _____ Parcel # _____
3. Oral information furnished by: _____

4. Actual measurement on the ground from a starting point established by:

5. Other sources: _____

(Seal of Engineer or Surveyor)

Signed: _____
(Registered Professional Engineer
or Registered Land Surveyor)

Number: _____

Address: _____

SUBDIVISION OF LAND

375 Attachment 5

City of Beverly

Appendix E
Beverly Planning Board

FORM E
CERTIFIED LIST OF ABUTTERS
(To accompany Form C)

One copy of this form is to be completed and filed with the Beverly Planning Board in accordance with § 375-13A.

_____20_____
(date of filing)

To the Beverly Planning Board:

The undersigned, being an applicant for approval of a Definitive Plan of a proposed subdivision entitled: _____

_____Section: _____ Sheets: _____

submits the following sketch of the land in the subdivision listing the names of the adjoining owners in their relative positions, and indicating the address of each abutter on the sketch or in a separate list, including owners of land separated from the subdivision only by a street.

Signature of Applicant or Agent: _____

(To be certified by the Assessor's Office)

To the Beverly Planning Board:

This is to certify that at the time of the last assessment for taxation made by the City of Beverly, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as above written, except as follows:

(Signed)

(Date)

SUBDIVISION OF LAND

375 Attachment 6

City of Beverly

Appendix F
Beverly Planning Board

FORM F
PERFORMANCE BOND - SECURED BY DEPOSIT

See Form R for applicant Signature Information.

One completed form and four copies thereof shall be filed with the Beverly Planning Board:

KNOW ALL MEN BY THESE PRESENTS

That _____

_____ as Principal(s) _____
hereby bind and obligate myself/itself/ourselves and my/its/our executor, administrators,
devisees, heirs, successors and assigns jointly and severally to the City of Beverly, a
Massachusetts municipal corporation, in the full and just sum of _____
dollars (\$) and has secured this obligation by the deposit with the
Beverly Planning Board of said City of Beverly of said sum in the form of a certified check.

The condition of this obligation is that if the Principal(s) shall fully and satisfactorily observe
and perform in the manner and in the time therein specified all of the covenants, conditions,
agreements, terms, and provisions contained in the application signed by the Principal(s) and
dated _____ 20____ under which approval of a Definitive Plan of a certain
subdivision, entitled _____

Section(s) _____ Sheet(s): _____
and dated _____ 20____ has been or is hereafter granted by the Beverly Planning
Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and
the aforesaid security for said sum shall become and be the sole property of said City of
Beverly as liquidated damages.

This money secures the construction and installation of services for lots:

on _____
name(s) of street(s)

from Station _____ to Station _____ and additional work, if any,

to be performed in accordance with all provisions of the law and the Beverly Planning Board
Rules and Regulations.

BEVERLY CODE

All work to be completed by _____ 20____

This bond is secured by:

1. Certified check drawn on the account of _____
at _____ bank, City or Town of _____
State of _____ the amount of _____
dated _____ payable to _____

IN WITNESS WHEREOF the undersigned has hereunto set _____ hand and seal
this _____ day of _____ 20____

Principal(s)

Witness

Witness

Witness

Witness

by: _____
title

SUBDIVISION OF LAND

375 Attachment 7

City of Beverly

Appendix G
Beverly Planning Board

FORM G
COVENANT

See Form R for Applicant Signature Information.

One completed form and two copies thereof shall be filed with the Beverly Planning Board.

KNOW ALL MEN BY THESE PRESENTS

that whereas the undersigned _____
name(s), street, city/town, state

has submitted an application dated _____ 20____ to the Beverly Planning Board for approval of Definitive Plan of a certain subdivision entitled _____

Section(s) _____ Sheet(s): _____

and dated _____ 20____ and has requested the Board to approve such plan without requiring a performance bond.

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Beverly Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar (\$1) in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the City of Beverly as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and the installation of municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms, and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land. This covenant shall take effect upon the approval of said plan. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

BEVERLY CODE

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Beverly Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner(s)* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise of any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

A mortgagee who acquired title to the mortgaged premises or part thereof may sell any such lot, subject only to the portion of this covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot.

4. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the City of Beverly Governing the Subdivision of Land before _____ 20____ unless an extension of time is granted by the Beverly Planning Board. Failure to so complete shall automatically rescind approval of the plan.
5. The undersigned _____ husband/wife of said Covenantor, hereby agrees that such interest as I may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead, and other interest therein.

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ 20_____.

Applicant's husband/wife

Applicant(s)

by _____
title

SUBDIVISION OF LAND

Description of Mortgages: _____

(Give complete names and Registry of Deeds Reference)

Assents of mortgagees:

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss. _____ 20 _____

Then personally appeared the above named _____
_____ and acknowledged the foregoing
instrument to be _____ free act and deed, before me.

Notary Public

My Commission expires: _____

*If there is more than one owner all must sign.

SUBDIVISION OF LAND

375 Attachment 8

City of Beverly

Appendix H
Beverly Planning Board

FORM H
RELEASE FORM

The undersigned, being a majority of the Beverly Planning Board of the City of Beverly, Massachusetts, hereby certify that:

- a. The requirements for the construction of ways and municipal services called for Surety and dated

_____ 20____ and/or by the Covenant dated _____ 20____
and recorded in District\Deeds, Book _____ Page _____ (or registered in
_____ Land Registry District as Document No. _____
and noted on Certificate of Title No. _____ in Registration Book _____
Page _____) has been completed/partially completed to the satisfaction of the Beverly
Planning Board to adequately serve the enumerated lots shown on Plan entitled

“

_____”
Section(s) _____ Sheets _____” plan
dated _____ 20____ recorded by the Essex South District Registry of Deeds,
Plan Book _____, Page _____ (or registered in said Land Registry District, Plan
Book _____, restrictions as to sale and building specified thereon.

Lots designated on said plan as follows (lot numbers, and streets):

- b. (To be attested by a Registered Land Surveyor)

I hereby certify that lot number(s) _____

on _____
street(s)

do conform to layout as shown on Definitive Plan entitled

_____ Section _____ Sheets _____

Registered Land Surveyor

BEVERLY CODE

- c. The City of Beverly, a municipal corporation situated in the County of Essex, Commonwealth of Massachusetts, acting by its duly organized Planning Board, holder of a Performance Surety dated _____ 20 _____ and/or a Covenant dated _____ 20 _____ from _____ of the (City/Town) of _____ County, Massachusetts recorded with the Essex South District Deeds, Book _____, Page _____ (or registered in Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ Registration Book _____, Page _____)

acknowledges satisfaction of the terms thereof and hereby releases its right title and interest in the lots designated on said plan as follows:

EXECUTED as a sealed instrument this _____ day of _____ 20 _____

Majority of the
Planning Board of
the City of Beverly

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. _____ 20 _____

Then personally appeared _____, one of the above-named members of the Planning Board of the City of Beverly, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Beverly Planning Board, before me

Notary Public

My Commission Expires: _____

SUBDIVISION OF LAND

375 Attachment 9

City of Beverly

Appendix I
Beverly Planning Board

FORM I
CONVEYANCE OF EASEMENTS AND UTILITIES

One completed form and three copies thereof shall be filed with the Beverly Planning Board.

See Form R for applicant Signature Information.

(See Form R for applicant identification information)

County of _____, State _____
for nominal consideration of _____ grant to the City of Beverly, a Municipal
Corporation in Essex County, Commonwealth of Massachusetts, with quitclaim covenants
EASEMENTS AND/OR UTILITIES IN PERPETUITY in the land hereinafter described and
shown on a plan recorded in, over and under _____ parcel(s) for the purpose
this, two, etc.

of allowing the City, its agents, employees, invitees, or those with whom the City may contract,
to construct, reconstruct, inspect, repair, renew, replace, operate, and maintain:

pipes, and ditches, or both for drainage,
water mains and conduits, for water distribution
purposes as hereinafter set forth,

including any and all equipment and material appurtenant and incidental thereto, and to cross
and recross the premises, by foot or by vehicle, or with equipment, at its convenience for
purposes stated, and to cut down and keep trimmed all trees and bushes and to keep clear said
premises of all structures as the City may deem convenient for its purposes, and, for the
consideration aforesaid, said grantor does hereby give, grant, transfer and deliver unto the City
of Beverly all water mains, manholes, pipes, conduits, drainage easements and all
appurtenances thereto that are now or hereafter constructed or installed in, over, under and
through the following described land by the grantor and grantor's successors and assigns.

Said parcels and/or utilities are situated in the City of Beverly and are shown on a plan entitled:

“ _____ ”
(Name of Subdivision Plan, Section and Sheet Numbers)

Plan dated _____

Drawn by _____

BEVERLY CODE

and are bounded and described as follows (use running descriptions):

being a _____ (____) foot wide _____ easement
to be used for _____ purposes as aforesaid.

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that they (it) have good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title see deed from _____
dated _____, 20____, and recorded in Essex South District Registry of Deeds,
Book _____ Page _____, or under Certificate of Title No. _____, registered in
the Essex County District Land Court, Book _____, Page _____

And (to be completed if a mortgage exists) _____

Name and Address _____

the present holder of a mortgage on the above-described land, which mortgage is dated
_____, 20____, and recorded in said Deeds Book _____, Page _____
for consideration paid, hereby releases unto the City of Beverly forever from the operation of
said mortgage, the rights and easements hereinabove granted and assents thereto.

Authorized Signature of Mortgagor

SUBDIVISION OF LAND

IN WITNESS WHEREOF I/WE have hereunto set our/my hand(s) and seal(s) this _____
day of _____, 20_____.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. _____, 20_____

Then personally appeared the above named _____
and acknowledged the foregoing instrument to be _____ free act and deed before me

Notary Public

My Commission Expires: _____

SUBDIVISION OF LAND

375 Attachment 10

City of Beverly

**Appendix J
Beverly Planning Board**

**FORM J
REFERRAL FORM**

_____, 20____

TO: Department of Public Services/City Engineer
Board of Health
Fire Department
Police Department
Conservation Commission

The attached Definitive Plans were submitted to the Beverly Planning Board on _____, 20____. A public hearing has been scheduled for _____, 20____ at _____ p.m. in the Aldermanic Chambers, City Hall to discuss these plans.

May we have your comments and recommendations concerning this subdivision by no later than _____. Please return this form with your comments and recommendations.

Thank you,

Beverly Planning Board

SUBDIVISION OF LAND

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City of Beverly

Appendix K
Beverly Planning Board

FORM K
CONTROL FORM

NAME OF SUBDIVISION _____	
SECTION _____	SHEETS _____
SECTION _____	SHEETS _____
ASSESSOR'S MAP NO. _____	PARCEL NOS. _____
PRELIMINARY PLAN _____	DEFINITIVE PLAN _____
Dated _____	Dated _____
Submitted _____	Submitted _____
Forms Received: _____	_____
Decision Deadline _____	Decision Deadline _____
PUBLIC HEARING DATE _____	
ENCLOSED:	
FORM B _____	FORM C _____
Filing Fee Receipt:	
Amount _____	_____
Dated _____	_____
Copy of Hearing Notice:	_____
Paid Advertising Bill:	_____
Certified Mail Receipts:	_____
Public Hearing Minutes:	_____
CONDITIONALLY APPROVED _____	_____
DISAPPROVED _____	_____
PLAN TO BE SIGNED ON:	_____
PLAN SIGNED ON:	_____
EXTENSION OF TIME REQUESTS: _____	_____
	From to From

BEVERLY CODE

COVENANT DATED: _____

WORK TO BE PERFORMED BY: _____

PLANS and COVENANT (AND EASEMENT DEED) RECORDED ON _____

BOOK _____ PAGE _____

EXTENSION OF COVENANT DATED: _____

WORK TO BE PERFORMED BY: _____

2ND COVENANT RECORDED _____ BOOK _____ PAGE _____

(1) BOND POSTED: _____

(Surety Bond No., if any, date, amount secured by and work to be performed and when)

(2) _____

(3) _____

PARTIAL RELEASE OF COVENANT FOR LOTS _____ GRANTED _____

PARTIAL RELEASE OF COVENANT FOR LOTS _____ GRANTED _____

PARTIAL RELEASE OF COVENANT FOR LOTS _____ GRANTED _____

FULL RELEASE OF COVENANT GRANTED _____

BOND RELEASED ON _____ IN THE AMOUNT OF _____

BOND RELEASED ON _____ IN THE AMOUNT OF _____

BOND RELEASED ON _____ IN THE AMOUNT OF _____

SUBDIVISION OF LAND

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City of Beverly

Appendix L
Beverly Planning Board

FORM L
PUBLIC HEARING NOTICE

CITY OF BEVERLY
PLANNING, BOARD
LEGAL NOTICE OF PUBLIC HEARING

Seal

Notice is hereby given that under the provisions of Chapter 41, § 81T, of the Massachusetts General Laws, the Beverly Planning Board will hold a public hearing on _____,
20____, at _____ p.m. in _____,
(place of hearing)

for approval of a definitive subdivision plan known as _____

_____ Section _____

Sheet _____ plan dated _____, 20 ____; drawn by _____
_____ showing _____ lots.

Said property is located as shown on Assessor's Map _____, Parcels _____.
Application and plans are on file with the Beverly Planning Board and are available for public inspection.

BEVERLY PLANNING BOARD

_____, Chairman

SUBDIVISION OF LAND

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City of Beverly

**Appendix M
Beverly Planning Board**

**FORM M
RECEIPT FOR SUBDIVISION PLAN**

Received from _____

_____ original, second Mylar, filing fee, and _____ copies of a

PRELIMINARY DEFINITIVE MODIFIED SUBDIVISION PLAN

entitled: _____

Section _____ Sheets _____

Application for approval of which has been made to the Beverly Planning Board.

Beverly Planning Board

Date of filing

SUBDIVISION OF LAND

375 Attachment 14

City of Beverly

Appendix N
Beverly Planning Board

FORM N
INSPECTION FORM

Name of Subdivision	Street	From Station to Station
---------------------	--------	-------------------------

Items Inspected	Date of Inspection	Remarks	Approval	Signature of Inspecting Officer
Excavation				
Laying water mains				
Laying gas mains				
Installation of surface and subsurface drainage system and related equipment				
Filling				
Compacting				
Installation of sanitary sewers and related equipment				
Installation of hydrants				
Installation of electrical lines				
Installation of telephone lines				
Completion of pavement				
Grading of curbs and gutters				
Construction of sidewalks				
Grading of grass plots				
Installation of monuments				
Tree planting				
Final clean-up				
Other				

Please give full name, title, address and telephone number at bottom of form.

SUBDIVISION OF LAND

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City of Beverly

Appendix O
Beverly Planning Board

FORM O
DOCUMENT CONTROL SHEET - DISTRIBUTION OF PLANS

AGENCY	Approval under Subdivision Control Law Not Required	Date Preliminary	Date Definitive	Date Approved
		SUBDIVISION PLANS		
Owner	Original returned	Print returned	1 original returned	1 original returned
Registry of Deeds	Owner may file			Owner may file
Ward Councillor		1 print	1 print	1 print
Beverly Planning Board	6 prints	6 prints	6 prints	4 prints
City Engineering/ Department of Public Services	Mylar reproducible	Mylar reproducible	1 print	Mylar reproducible
Board of Health		1 print	1 print	1 print
Building Inspector	1 print		1 print	1 print
Police Department	1 print	1 print		
Fire Department		1 print	1 print	
Assessors	1 print			

SUBDIVISION OF LAND

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City of Beverly

Appendix P
Beverly Planning Board

FORM P
MORTGAGES ACQUIRED AFTER SUBMISSION OF COVENANT

See Form R for Applicant Signature Information.

(This form to be sent to the applicant by the Beverly Planning Board following proof of covenant recording at the Registry of Deeds.) A copy of the deed(s) shall be attached to this form if different from that which accompanied the Definitive Application Form C.

Additional Mortgages (i.e., development mortgages):

Description of Mortgages: _____

(Give complete names, addresses, and Registry of Deeds reference - date of Mortgage, book, page, and date recorded.)

I hereby certify that said property is free of all liens and encumbrances except for the above and following:

Witness and Date

Signature of Applicant and Date

Assents of Mortgagees to the Covenant:

ESSEX, ss:

COMMONWEALTH OF MASSACHUSETTS

_____, 20____

Then personally appeared the above named _____ and
acknowledged the foregoing instrument to be _____ free act and deed, before me.

My Commission Expires: _____
Notary Public

NOTE: THE SIGNATURE(S) OF THE MORTGAGEE(S) SHALL BE NOTARIZED AND THIS FORM
SHALL BE RETURNED TO THE BEVERLY PLANNING BOARD.

SUBDIVISION OF LAND

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City of Beverly

**Appendix R
Beverly Planning Board**

**FORM R
APPLICANT SIGNATURE INFORMATION
(FOR USE WITH FORMS C, F, H, I, P)**

Identification of Applicant

1. Sole Person, No Company

That I, John Doe, of 13 XYZ Street, _____, County of _____, Commonwealth of Massachusetts (or other state) as Principal

2. Sole Proprietorship

That I, John Doe, Street, city or town, county and state, doing business as JOHN DOE COMPANY, street, city or town, county and state as Principal

3. Partners in a Company

That we, John Doe, of street, city or town, county and state, and James Smith of street, city or town, county and state, the partners of SMITH AND JONES COMPANY, a partnership doing business at street, city or town, county and state as Principals

4. Corporation

That XYZ Inc., a Massachusetts Corporation having a usual place of business located at street, city or town, county and state as Principal

5. A Trust

That we, John Jones of street, city or town, county and state, and Fred Smith of street, city or town, county and state the trustees of _____ Trust, as Principals

NOTES:

Corporations: A vote from the Clerk of the Corporation shall accompany any instrument signed by a Corporation which certifies authorization of individual(s) to act for the Corporation (Rules and Regulations, § 375-8.). The Clerk shall also certify how the authorization is made; i.e., bylaws or vote of the stockholders or directors. Also, the Corporate Seal shall be affixed to the instrument.

Partners in a Company: All names, addresses, and signatures shall be included.

BEVERLY CODE

Trust: Names, addresses, and signatures of all partners, if a partnership, and all trustees if a trust, shall be included. (A real estate trust can be very similar to a Massachusetts Corporation and may be registered with the Secretary of State. Please specify what type of trust.)

SIGNATURES OF APPLICANT

1. Sole person, no company

A line for individual to sign, Person's name typed beneath signature line. Also include line for witness. Witness can be husband or wife.

2. Sole proprietorship

A line for individual to sign. Underneath would be typed "John Doe, d/b/a JOHN DOE COMPANY." Include line for witness.

3. Partners in a company

SMITH AND JONES COMPANY

Witness

James Smith, Partner

Witness

John Doe, Partner

4. Corporation

XYZ DEVELOPMENT, INC.

Witness

William Johnson, President

5. Trust

XYZ REALTY TRUST

Witness

List all trustees with witness line for each

SIGNED AND SEALED THIS _____ day of _____ 20____

If signed by more than one person, the date should be that of the signature of the first person.

SUBDIVISION OF LAND

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City of Beverly

Appendix S Beverly Planning Board

COST ESTIMATING DATA

(The following are estimates and may be updated from time to time)

Stone Bound	\$200/each
Sidewalk Binder	\$6/foot
Sidewalk Finish	\$6/foot
Curbing - 7" Bituminous Concrete	\$6/foot
Curbing - 6" Granite Reveal	\$30/foot
Road Paving	
Binder (32-foot road)	\$30/foot
Finish (32-foot road)	\$20/foot
Manholes, 0 to 8 feet	\$2,000/each
Manholes, 8 to 16 feet	\$3,000/each
Catch Basins	\$2,000/each
Sewers 8" (installed)	\$60/foot
Drains 12" (installed)	\$30/foot
Drains 18" (installed)	\$40/foot
Drains 24" (installed)	\$66/foot
Drains 36" (installed)	\$80/foot
Water Pipe 8" (installed, including fittings)	\$45/foot
Fire Hydrant (installed)	\$2,400/each
Excavation	
Class A	\$10/cubic yard
Class B	\$16/cubic yard
Ledge	\$100/cubic yard
Guard Rails	\$60/1 foot
Fencing	\$40/1 foot
Headwall (nonreinforced)	\$1,500/each
Gravel Fill (roadway)	\$15/cubic yard
Grass Plot	\$6/foot
Loam and Seed Easements	\$8/square yard
Reinforced Concrete	\$500/cubic yard
Ties to Utility Systems	\$300/lot
Rip Rap	\$30/square yard
As-Built Plans	\$300/lot
Street Acceptance and Easement Plans	\$250/lot
Trees	\$300/tree
Sewer Services	\$800/lot
Water Services	\$800/lot

A contingency of 25% must be added to all estimates for cost increases that will occur before the work is completed. Items not included shall be as determined by the Director of Engineering, Commissioner of Public Services, Public Works.

SUBDIVISION OF LAND

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City of Beverly

**Appendix T
Beverly Planning Board**

**COST ESTIMATING DATA
UNDERGROUND ELECTRICAL**

1991

Primary Duct Bank	\$35/foot
Street Lighting Conduit	\$20/foot
Combined Telephone and Fire Alarm Duct Bank	\$35/foot
Telephone and Fire Alarm Service	\$30/foot
Light Poles	\$3,000/each
Fire Alarm Call Boxes	\$3,500/each
Electric Manholes	\$5,000/each
Switch Gear or Transformer Pad	\$3,000/each

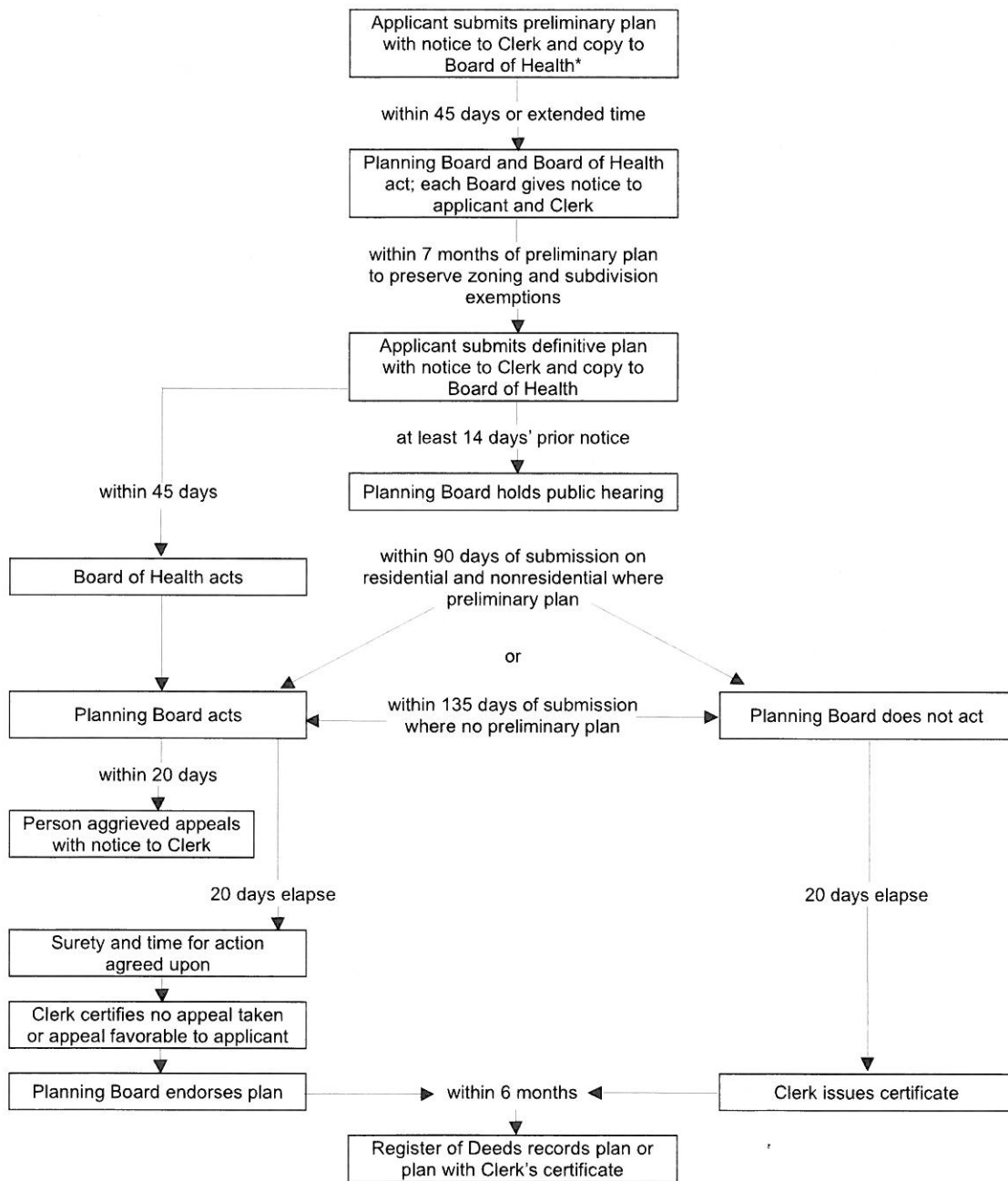
A contingency of 25% must be added to all estimates for cost increases that will occur before the work is completed. Items not included shall be as determined by the Director of Engineering, Commissioner of Public Services, Public Works.

SUBDIVISION OF LAND

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City of Beverly

Appendix U SUBDIVISION APPROVAL PROCESS FLOWCHART



* Preliminary plans must be filed for nonresidential subdivisions and are optional (but recommended) for residential subdivisions.

SUBDIVISION OF LAND

375 Attachment 22

City of Beverly

Appendix V

BOARD OF HEALTH SOIL/SOLID FILL REGULATIONS

As authorized by MGL c. 111, § 31, the Beverly Board of Health adopted, on March 9, 1989, the following regulation governing the placement of soil/solid fill within the City of Beverly.

Nothing contained in these regulations shall relieve any requirement pursuant to MGL c. 111, §§ 150A and 150A 1/2, that a valid site assignment be obtained from the Beverly Board of Health prior to the introduction of soil/solid fill upon any tract, parcel or lot.

Section 1: Declaration of Policy

The purpose of this regulation is to control the disposal of soil/solid fill introduced from locations both within and without the City of Beverly and require, when necessary, the analysis of the soil/solid fill for chemical contamination. The disposal of cured blacktop, cement, and other similar materials in nondesignated sites will be included within the scope of this regulation.

Past determinations of whether or not soil/solid fill was environmentally suitable were based on a visual and olfactory judgment by the inspector. However, as a result of these rules and regulations, analytical testing can be required. The purpose of analytical testing is bifold. First and foremost, by initial testing of soil/solid fill for chemical contaminants, any soil/solid fill which is contaminated will be screened out from use. This screening avoids the filling and then removal of such soil/solid fill once in place. Secondly, the party responsible for supplying fill will be advised of its statutory requirements in accordance with Chapter 21E of the Massachusetts General Laws.

Section 2: Definitions

Board of Health means the appropriate and legally designated health authority of the City of Beverly having the usual powers and duties of the board of health of a city or town, or his or its authorized agent or representative.

Contaminant means any substance which by its presence creates or has the potential to create hazardous material.

Hazardous Material means material including, but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

BEVERLY CODE

Responsible Person(s) means any person(s) having management control over the entity or employer. In the case of a corporation, the responsible person(s) shall be officers of the corporation and any other managing agent of such corporation. In the case of a sole proprietorship or a partnership, the responsible person(s) shall be the owners or partners and any other managing agent of such sole proprietorship or partnership.

Sampling means the collection of data or measurements to obtain representative samples of a tract, parcel, or lot of interest in order to make an inference about said tract, parcel, or lot.

Soil means the unconsolidated mineral material or the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Solid Fill means mortar, bricks, gravel, stone, cured blacktop, cement, dredge material, products of excavation, or any other material not capable of decomposition and shall specifically exclude rubbish, garbage, bulky wastes, special wastes, or waste as defined in the regulations of the Commonwealth of Massachusetts (regulations for the disposal of solid waste by sanitary landfill).

Section 3: Regulation

The Board of Health, effective March 15, 1989, may require that any material used within the City of Beverly as fill or introduced into the soil be subject to analysis to verify that no hazardous material is included within such soil/solid fill. Such analysis shall be conducted by a Massachusetts certified laboratory approved by the Board of Health, using state-of-the-art analytical techniques, and provide a written report of the results of the sample tested to the Board of Health. However, if an out-of-state laboratory must be used, said laboratory must be certified through that state's certification agency.

To implement these guidelines, the Board of Health will review all applications for building permits as a potential location for soil/solid fill delivered from an off-site source. The determination of whether an on-site visit will be necessary will be based on this application and any other further information the Board of Health may request of the applicant. All building permit holders will be given a letter from the Board of Health notifying the responsible party of the soil testing guidelines and any further requirements made by the Board of Health. Any applicant for a building permit shall notify the Board of Health as to whether the work will or has the potential for the introduction of soil/solid fill to the work site, and if soil/solid fill is to be introduced, and if the applicant is not the owner of the site, such owner, agent, or responsible party and the Board of Health shall be notified in writing by the applicant. Such notification to the Board of Health and owner, agent, or responsible party shall contain such information as the Board of Health may require until completion of the project. Any modification to the building permit shall require a notification be sent to the Board of Health so the Board may determine if such modifications are applicable to Chapter 15 of the Board of Health Rules and Regulations. The Board of Health may recommend the revocation of such building permit in the event of noncompliance with any provision of this regulation.

The Board of Health may require quality assurance sampling, soil boring, and/or additional analytical sampling and testing at any site. The expense of these additional samples shall be incurred by the building permit applicant. In addition, a written chain of custody of any samples taken shall be submitted by the certified laboratory to the Board of Health.

SUBDIVISION OF LAND

The cost of the laboratory analysis is to be incurred by the property owner, agent, or other responsible party. However, the City of Beverly will not be responsible for payment of any analytical costs.

Section 4: Fee

The Board of Health may charge a fee for services rendered, not to exceed any actual costs incurred by the City of Beverly. However, the minimum fee, if assessed, will be \$50 and the maximum fee will be \$500. This fee schedule will be binding upon all parties concerned.

Section 5: Penalty Clause

Any person who shall fail to comply with an order issued pursuant to whoever, himself, or by his servant or agent, or as a servant or agent of any other person or any firm or corporation, which violates provisions of the soil/solid fill regulation, made under authority of MGL c. 111, § 31, shall be punished by a fine of not more than \$500. Each day's failure to comply with an order shall constitute a separate violation.

Section 6: Appeals

Any person or persons aggrieved by the decision of the Board of Health may appeal said ruling in any court of competent jurisdiction within the Commonwealth.

Section 7: Severability of Sections

If any portion of this regulation shall be declared invalid for any reason whatsoever, such invalidity shall not affect any other portion of this regulation, all of which shall remain in full force and effect, and to this end the provisions of this regulation are hereby declared severable, notwithstanding any provisions that may be in conflict with Massachusetts General Laws, the revised ordinances of the City of Beverly, and the Charter of the City of Beverly.

Section 8: Liability

Neither the City of Beverly nor the Board of Health, by adoption of these regulations, assumes any responsibility for the compliance at the site of applicable hazardous waste laws or other Massachusetts environmental protection regulations. Such interpretation of compliance is no longer defensible and legally sound since the enactment of Chapter 21E of the Massachusetts General Laws.

The above regulations will become effective March 15, 1989, and compiled with the City of Beverly Board of Health Rules and Regulations, Chapter 15, entitled "Soil/Solid Fill Regulations."

SUBDIVISION OF LAND

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City of Beverly

Appendix W
Sample Developer's Disclosure Agreement Form

SAMPLE DEVELOPER'S DISCLOSURE AGREEMENT FORM

THIS DISCLOSURE AGREEMENT is given to the Planning Board of the City of Beverly by _____ (name of owner of subdivision), owner of the property commonly referred to as the _____ (name of subdivision), _____ (location of subdivision), as described in a deed from _____ to said _____ (current owner of subdivision), under deed dated _____, 20____ and recorded with the Essex South District Registry of Deeds at Book _____, Page _____, with regards to the conduct of sale of lots and construction of buildings within said subdivision.

WHEREAS, the Planning Board of the City of Beverly has a general public concern that lots within approved subdivisions are not sold and houses constructed, such that said constructed houses are ready for occupancy prior to the completion of the utilities necessary to service said houses, and construction of the base course of the roadway, and in recognition of the fact that the City of Beverly Planning Board shall release said lots within the _____ (name of subdivision) for sale and for construction of houses due to the fact that _____ (name of owner of subdivision) has submitted a _____ (form of surety posted) in form and amount satisfactory to the Beverly Planning Board to guarantee the construction of ways and installation of utilities;

NOW THEREFORE, said _____ (name of subdivision owner), in recognition of said concern, hereby agrees and acknowledges the following:

1. During the marketing and prior to the sale of each lot, prospective homeowners will be informed that _____ (name of owner of subdivision) is solely responsible for the speedy completion of utilities and roadways necessary to obtain occupancy permits for houses to be constructed within the subdivision. It shall also be disclosed that the City of Beverly and the Planning Board of the City of Beverly bear no responsibility to the individual lot owner to insure the speedy completion of utilities and roadways necessary to obtain occupancy permits.
2. At the time of entering into a Purchase and Sale Agreement, all persons purchasing lots within the _____ (name of subdivision) shall execute an Agreement acknowledging the following:
 - A. The City of Beverly and the Planning Board of the City of Beverly bear no responsibility for the speedy completion of utilities and roadways necessary to obtain occupancy permits and that the responsibility lies solely with _____ (name of owner of subdivision).

BEVERLY CODE

- B. _____ (name of owner of subdivision) has placed a bond in the form of a _____ (form of surety posted) in an amount and form satisfactory to the Beverly Planning Board as a guarantee of the construction of ways and installation of utilities for the subdivision, which work must be completed on or before _____ (subdivision completion date as determined by the Beverly Planning Board) pursuant to MGL c. 41, § 81U, or as may be reasonably be extended by the Planning Board.
- C. The Buyer acknowledges that he will not be able to obtain an occupancy permit for the house to be constructed until the utilities are installed and in working order.
- D. The undersigned hereby releases, indemnifies, and holds the City of Beverly harmless from any loss, cost, claim, or damage resulting from the Buyer's inability to occupy the house to be constructed.
3. _____ (name of owner of subdivision) shall use his best efforts to speedily complete the utilities and roadways necessary to insure the issuance of occupancy permits for all houses to be constructed within the subdivision and shall guarantee to each purchaser that their occupancy date shall not be delayed due to the failure of _____ (name of owner of subdivision) to install utilities or to construct roadways necessary to obtain an occupancy permit.
4. _____ (name of owner of subdivision) shall cause to be recorded with the prospective covenant of their subdivision the following statement:

Each lot owner, by acceptance of his deed, hereby agrees and acknowledges that:

- A. The City of Beverly and the Planning Board of the City of Beverly bear no responsibility for the speedy completion of utilities and roadways necessary to obtain occupancy permits and that the responsibility lies solely with (name of owner of subdivision).
- B. _____ (name of owner of subdivision) has placed a bond in the form of a _____ (form of surety posted) in an amount and form satisfactory to the Beverly Planning Board, which bond has been forwarded to the Beverly Planning Board as a guarantee of the construction of ways and installation of utilities for the subdivision, which work must be completed on or before _____ (subdivision completion date as determined by the Beverly Planning Board).
- C. The Buyer acknowledges that he will not be able to obtain an occupancy permit for the house to be constructed on his lot until the base course of roadway is constructed and the utilities are installed and in working order.
- D. The undersigned hereby indemnifies and holds the City of Beverly harmless from any loss, claim, cost, or damage resulting from the Buyer's inability to occupy the house to be constructed.

SUBDIVISION OF LAND

WITNESS my hand and seal this _____ day of _____, 20____.

(name of owner of subdivision)

BY: _____
(signature)

BEVERLY CODE

**SAMPLE LOT OWNER'S
AGREEMENT AND ACKNOWLEDGEMENT FORM**

The undersigned, signer of this Purchase and Sale Agreement for Lot # _____ of the _____ (name of subdivision), hereby agrees and acknowledges the following:

- A. The City of Beverly and the Planning Board of the City of Beverly bear no responsibility for the speedy completion of utilities and roadways necessary to obtain occupancy permits and that the responsibility lies solely with _____ (name of owner of subdivision).
- B. _____ (name of owner of subdivision) has placed a bond in the form of a _____ (form of surety posted) in the original amount of _____ dollars (\$ _____), which bond has been forwarded to the Beverly Planning Board as a guaranty of the construction of ways and installation of utilities for the subdivision, which work must be completed on or before _____ (subdivision completion date as determined by the Beverly Planning Board), pursuant to MGL c. 41, § 81U, or as may be reasonably be extended by the Planning Board.
- C. The Buyer acknowledges that he will not be able to obtain an occupancy permit for the house to be constructed on his lot until the base course of roadway is constructed and the utilities are installed and in working order.
- D. The undersigned hereby releases, indemnifies, and holds the City of Beverly harmless from any loss, cost, claim, or damage resulting from the Buyer's inability to occupy the house to be constructed.

SIGNED under seal this _____ day of _____, 20_____.

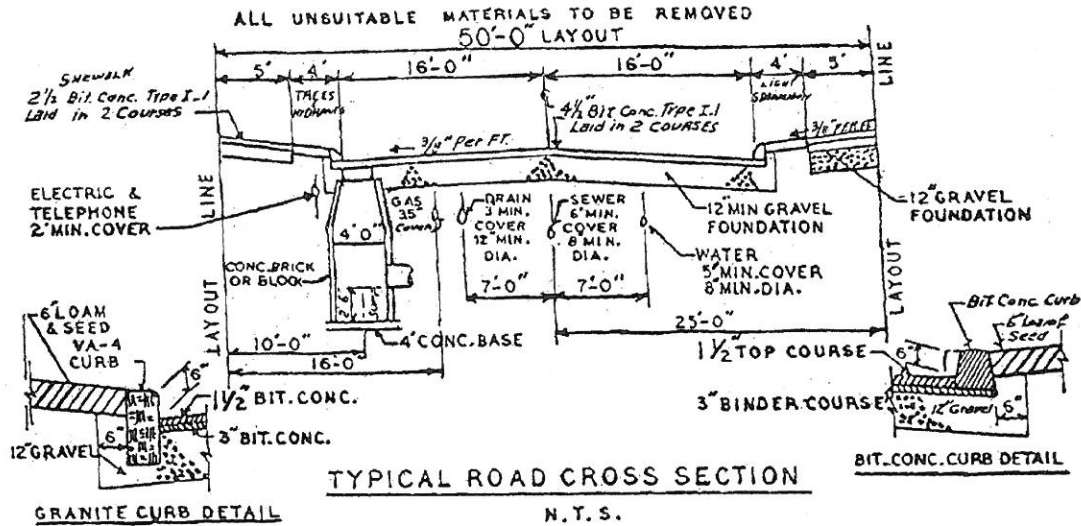
(SIGNATURE OF BUYER)

SUBDIVISION OF LAND

375 Attachment 24

City of Beverly

TYPICAL ROAD CROSS SECTION



NOTES:

- 1 Bituminous concrete berm form to be approved by City Engineer.
- 2 All trench backfill for utilities to be approved before used.
- 3 Water mains to be gated all ways and line gates not over 1,000 feet apart and in all directions at each intersection.
- 4 Water mains to be DICL or CICL Class 150.
- 5 Hydrants to have six-inch gate locate three feet from hydrants branches to be six-inch Class 150.
- 6 Granite bounds (six inches square by four minimum) to be set at all PC bends and on straightaways not over 500 feet apart, set flush with sidewalk.
- 7 Grade and alignment stakes shall be set accurately for each utility and for the road construction.
- 8 Subdrains shall be installed as required by the City Engineer.